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AMONG THE LAW-MAKERS





A PAGE ON DUTY.

To
THE BOYS OF AMERICA
UPON WHOSE
LOYALTY, GENIUS, AND VALOR
AS
CITIZENS AND STATESMEN OF THE FUTURE
THE REPUBLIC CONFIDENTLY RELIES
FOR THE
PRESERVATION OF ITS INSTITUTIONS AND FOR THE
ADVANCEMENT OF NATIONAL HAPPINESS AND GLORY
THIS VOLUME
IS RESPECTFULLY INSCRIBED

PREFACE.

THIS work does not profess to be complete, either as a treatise or as a sketch. The author has merely seized upon certain events conspicuous in an experience of four years, and used them to explain, in an easy and desultory manner, various phases of Congressional life. While the incidents and scenes thus employed have been arranged with some regard to narrative sequence, he has not hesitated, upon the slightest provocation, to break away from the chronicle and invite attention to more distant happenings.

He might easily have filled the volume with anecdotes of public men and descriptions of page-performances and pranks. His tendency in this direction has been subordinated to a higher aim. Such episodes as have been gathered into special chapters, or interspersed at random throughout the book, furnish a sufficient idea of the humorous goings-on at the Capitol. The purpose of his digressions is made obvious at one part or another of the work. He has gone out of his course to introduce peculiar specimens of legislative action, and to illustrate characteristics of the respective Houses; and he has, at times, sought to do more—to exhibit, by practical examples, the

constitutional relations between the three departments of the General Government as distinct yet interdependent parts of a mighty and harmonious system, to emphasize commanding principles of civil liberty and public law, and, in general, to stimulate in the minds of American youth an active and patriotic interest in the political history and destiny of their country.

It is not a book of reminiscences ; neither is it designed exclusively for the young. Its arrangement and style are addressed to the sympathies of youthful students ; the information it contains may commend the work to older folks. Though not a profound and exhaustive dissertation, it may truthfully be claimed that it touches upon every interesting feature of Congressional power and procedure, and places in the possession of American readers unfamiliar with legislative affairs, a body of suggestions that may enable them, when on a pilgrimage to the Federal City, to view understandingly, and to criticize with discrimination and fairness, the idiosyncrasies, as well as the weightier proceedings, of their national representatives.

It is proper to state that the larger part of the contents of this volume appeared originally as a serial in *St. Nicholas* ; but, to render the narrative more coherent than was possible in its magazine career, material modifications and additions have been made.

E. A.

NEW YORK CITY, October, 1886.

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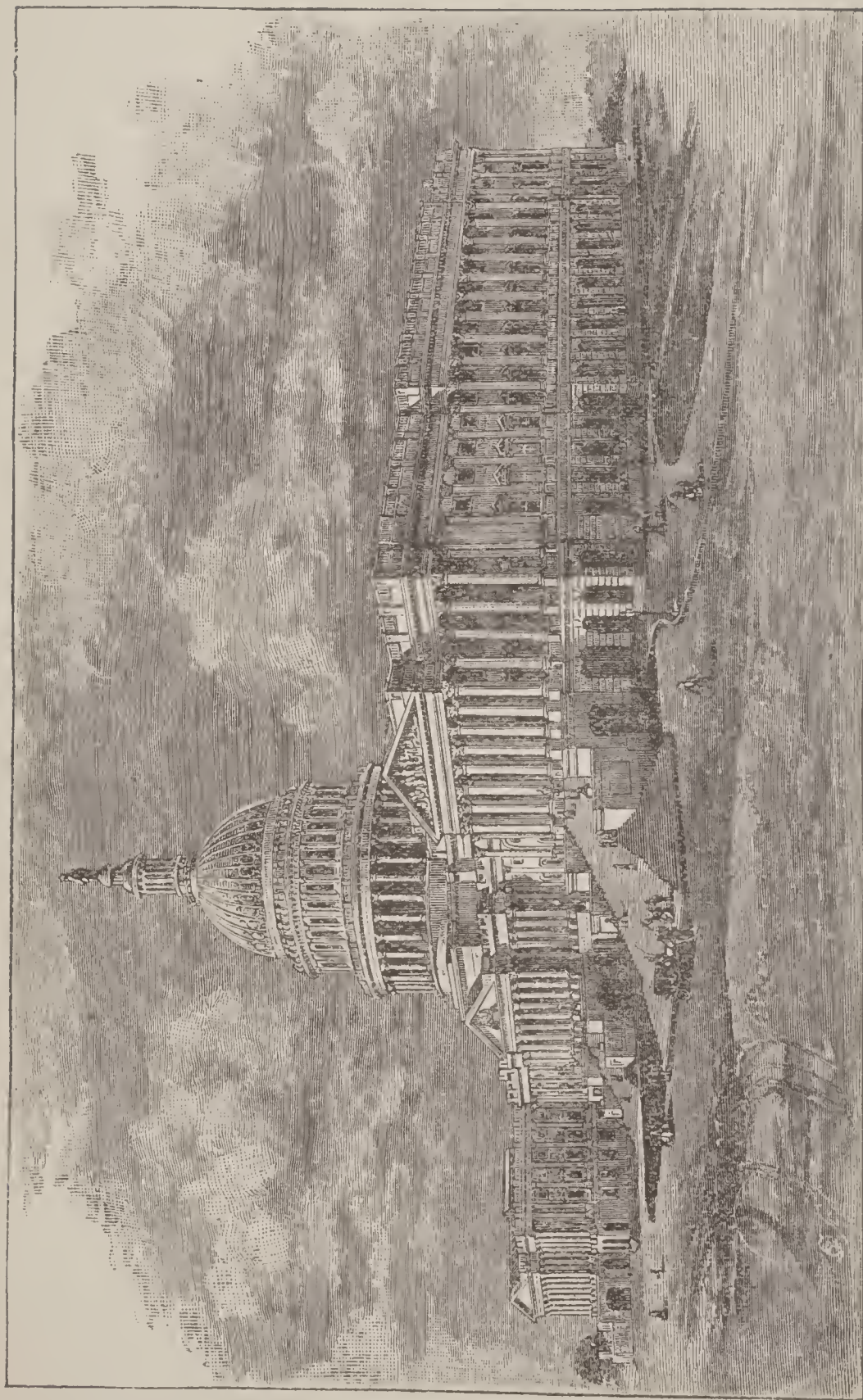
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The Capitol of the United States at Washington. (East Front.)

AMONG THE LAW-MAKERS.

CHAPTER I.

THE REPUBLIC.

“THE Senate will come to order!” cried the Vice-President. “The House will come to order!” shouted the Speaker. Down came the gavels, up went the mace, and the stars and stripes again waved proudly above the halls of national majesty and power. Perhaps you do not catch the drift of my remarks. Allow me to explain.

When quite a small boy I was appointed a page to the Senate of the United States; and before proceeding further with this narrative, which I trust will furnish some instruction as well as entertainment to other small folk, it would be well at the outset, to make sure that we agree about a few general principles of Government and Right.

When the whole earth was open and there were but few men upon it, every person was free to roam or locate wherever he pleased. But it is a familiar truth that mankind loves company; and this natural impulse, and the dangers and wants to which they were exposed, led people to travel and settle in little groups, for mutual comfort, benefit, and protection. This grouping to the origin of what is termed “society”

Society, therefore, is the union of individuals for mutual security and welfare, based upon their wants and fears.

To guard against conflict between the individuals, and to secure peace and prosperity to all, it was necessary that the earliest society should have agreed upon certain rules defining the rights and duties of the people composing it. And, moreover, as mere rules would have been of no use unless observed, there should have been means to compel obedience to them when made. The arrangement by which such rules, or laws, were made and enforced was the origin of "government." Government, therefore, is a contrivance of human wisdom to provide for human wants, and every government should possess three powers—first, the power to make laws (which is the supreme power of a government); second, the power to execute the laws; and third, the power to administer justice, by the redress of grievances and the punishment of offenders, in accordance with the laws. These three powers are known respectively as the legislative, the executive, and the judicial, powers of government.

Governments, then, arose at the beginning of society. The exact form of those early governments we need not pause to consider. The people had the right to make and enforce their own laws, or to select certain of their number to act for them, or to repose authority in one person, or chief. Undoubtedly the government of a primitive society was rude; the laws were few, the mode of making and enforcing them was simple. But as mankind increased, and the extent of the unoccupied soil became less and less, the societies began to war; weak groups were conquered and driven away from their lands; others combined for defence against a common foe and became merged into one; and in various ways they multiplied in number or grew in size. And as they grew larger and stronger, interests arose, more laws became necessary, and governments gradually developed in power. Society 11

one government constituted a "nation ;" and a nation, with its government, constituted a "state."

Still the work of conquest and desolation went on. Nations warred upon nations. A people would be defeated, its government and power as a state would be destroyed, and the conquering hosts would set up their own government and laws over the subjugated country and make it a dependency or part of their dominion. And so the human race continued to battle and to spread, old states to be demolished by victorious invaders, and new ones to be established—until now, after thousands of years, we find mankind covering the entire habitable globe, separated into many nations, some large, some small, with various forms of government, the territory and power of one state being confined within narrow bounds, the authority of another reaching from ocean to ocean and stretching away to dependencies in the islands of the sea and the remotest regions of the earth.

Brave and noble nations have been vanquished, great and glorious governments have been overthrown, and majestic ruins still remain as monuments to perished grandeur. So, too, there are governments to-day which are but systems of injustice and oppression ; whose powers are used for the profit and exaltation of a few, and under whose iron rule and vicious influence the liberties of the great body of the people have been ruthlessly crushed or are silently being suffocated. But whatever the misfortunes and thraldoms of the past, whatever the sufferings and despotisms of the present, the principles of Right survive. The true purpose of government is the protection and benefit of society ; the powers of government are derived from, and rest upon the will of, society : the aim of every government ought to be to guard the lives and liberties of all the people under its authority, and promote their happiness and welfare, and any government which does not serve

this purpose is a failure, and the people injured by its injustice or neglect have the right to sweep it entirely away, or to do with it as they please.

Now, in the last century, our forefathers in this country were gathered into various societies, thirteen in number. Those societies were dependencies, or Colonies, of a state far away across the ocean, and subject to its government. In that government they were allowed no voice. The state did not guard their interests as it should have done : on the contrary, it made oppressive laws for the Colonies, and, when they remonstrated and petitioned for redress, it answered them with severer laws and repeated injury. This tyranny at length became unendurable, and the Colonies resolved to separate from the far-away government. They drew up an address in which they told the world the causes which forced them to the separation. This address was the famous Declaration of Independence. In it, they set forth how that government had perverted its powers for despotic purposes ; how the king, who was the chief of the state, had treated the Colonies as out of his protection, and waged war against them ; how he had plundered their seas, ravaged their coasts, burnt their towns, and destroyed the lives of their people—and done many other deeds totally unworthy the head of a civilized nation. They therefore declared themselves free and independent of that government, and, in doing this, they asserted, in the following words, the great principles which we have been considering :

We hold these truths to be self-evident, that all men are created equal ; * that they are endowed by their Creator with certain unalienable Rights ; that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed ; that whenever any Form of Government becomes destructive of these ends, it is the Right of

* That is, *born to equal rights*.

the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

So they threw off that government, not only as a matter of right, but as a matter of duty to themselves and to their children, and provided new guards for their future security. The people of each society agreed upon a new government for themselves, and thus assumed among the nations of the earth the separate and equal station to which the laws of Nature and of Nature's God entitled them. The thirteen societies thereupon ceased to be "Colonies," all dependent upon one foreign government, and became thirteen "States," each sovereign and independent, and equal in rank to the state of which it had previously formed a part.

But the people of all the States were engaged in defending themselves against one great enemy—the state from which they had separated—and they had other common perils and interests. Under these circumstances, they entered into a league or union, and styled it "The United States of America." This arrangement is set forth in a document known to history as the "Articles of Confederation." It simply provided for a certain tribunal, or body of men, in which each State should have the right to be represented, and which should advise the States what ought to be done for their common defence and welfare. That was all. Each State had its own government, which was supreme in authority over the people of that State, and no real power was given to this tribunal to carry out any laws or advice which it might think necessary to make or give.

The great war at last ended, and the States were triumphant. But they knew that they were liable to be again attacked by a common enemy, and were also liable to get into disputes with one another. They still had common interests: yet, after a few years, they found that the arrangement or league which

they had made was unable to properly secure those interests. The result was that they made another arrangement. They provided that sufficient men should be appointed and given ample power not only to make, but to enforce all laws necessary for their general welfare. In other words, they agreed upon a Government whose authority should cover all the States, and whose laws should be binding upon all the people.

Yet they made a very natural and proper condition. Each State had certain interests which did not affect the people of other States, and which could best be attended to by its own government. It was accordingly provided that the people of the States should retain their State governments, with the understanding, however, that the State governments should not interfere with matters that concerned the people of other States, and that the Government of the Union, on the other hand, should not interfere with the State governments in matters not concerning the general and common interests of all the people, or about which conflicts were not liable to arise between the people of any two or more States.

The people of the United States thus became a mighty Nation, or Republic, with a great Government endowed with general protective powers ; and the people of each State retained their local governments and the powers not delegated to the Government of the Union.

This arrangement is the fundamental law of this country, and is known as the CONSTITUTION of the United States. It was agreed to by our forefathers nearly one hundred years ago, and begins in these words :

We, THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

Since that Constitution was adopted, the Republic has extended its power and dominion from the Atlantic to the Pacific Ocean, and consists now of thirty-eight States, eight organized Territories, the Indian Territory, the District of Columbia, and Alaska—containing in all about three million five hundred thousand square miles and sixty millions of inhabitants. But to-day, as then, the Constitution is the supreme law of the land, sacred to every American ; and as you grow older and become more familiar with the history of humanity and civilization, you will learn to reverence and to love it, and be willing, as many have been in the past, to lose your lives, if necessary, in its defence.

By the Constitution the Government of the Union (commonly styled the “Federal,” “General,” “National,” or “Central” Government, to distinguish it from the local governments of the States), is divided into three separate and distinct branches—the legislative, the executive, and the judicial, departments. The legislative department is that which makes the laws for the Republic, and is called the Congress ; and the Congress is composed of two bodies of men, one being known as the Senate, and the other as the House of Representatives. The people of each State of the Union send two men (called Senators) to the Senate, and a certain number of men (called Representatives) to the House of Representatives, the number of Representatives sent by the people of a State depending upon the population of the State. And the people of every organized Territory, in pursuance of a law made by Congress, send to the House one man, called a Delegate, who may take part in the discussions of that body, but is not permitted to vote in making laws. The residents of the District of Columbia, like the denizens of Alaska and the Indian Territory, are not represented in either body.

The executive department of the Government consists of the

President of the United States, who is also chosen by the people, and is sometimes styled the Chief Magistrate of the country : and it is his duty, and the duty of his thousands of assistants, to see that the laws of the Republic are faithfully carried into effect.

The judicial department of the Government consists of numerous courts, the principal one being the Supreme Court of the United States. The judges of these courts are appointed by the President, with the approval of the Senate, and it is their duty to interpret the laws of the Republic and administer justice in accordance with the provisions and intentions of those laws.

The Republic represents the sovereignty of sixty millions of people. Its Government is the "manifestation" of the sovereignty of the people. It was created by the people, in the exercise of their own sovereign authority, based upon the laws of nature and necessity ; it was established for their benefit and welfare ; it is managed by the people, through agents chosen and paid by them ; and these three cardinal facts are embodied in the memorable declaration, that the Government of the United States of America is :

" A government *of* the people, *by* the people, and *for* the people."

The workings of that Government, in one of its branches, it is our purpose to consider ; and I have made this explanation that you may understand, before we go any further, the important principles which were voiced by the very preamble of the Constitution, and which speak in all our institutions and our laws !

CHAPTER II.

THE FEDERAL LEGISLATURE.

Congress, as the department of the Federal Government which makes the laws, is vested with the supreme power of the Republic. Yet, while the grandest tribunal on the American continent, if not on the globe, it is not the sole legislative authority in this country. The States have local legislatures, which are vested with exclusive power as to certain subjects ; Congress, on the other hand, has exclusive jurisdiction in regard to other affairs ; and then there is a third class of matters respecting which both State and National law-makers may legislate, with this qualification—that should the State laws conflict with the National, the former must give way to the latter. The Constitution expressly declares what Congress may do ; and, as it can do nothing not permitted by the Constitution, I refer you to that instrument for particulars as to its power. To raise money to defray the expenses of the General Government, to provide navies and armies useful in resenting insults or resisting danger at home or abroad, to regulate commerce with foreign nations and among the States, to coin money, to establish post-offices and post-roads, to create courts for the enforcement of Federal statutes—in brief, to make all laws necessary for the protection and maintenance of the integrity and honor of the Union, and the welfare of the people *as a Nation*—these are within the powers of Congress.

The varieties of business with which it has to deal reach

from the sublime to the ridiculous—from a declaration of war against a threatening foe, involving the sacrifice of priceless lives, to a law appropriating a few dollars out of the Treasury for the loss of a blanket in the Government service. Before examining its powers and procedure, let us consider the manner in which the members of Congress are elected and the way in which each body organizes for the proper performance of its duties.

The Representatives are chosen directly by the people of the States, and no person can be a Representative “who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.” Their total number is regulated by law of Congress, but they must be distributed among the States in proportion to population. The Constitution, however, provides that the ratio shall not exceed one Representative for every thirty thousand persons, but that each State shall have at least one Representative. In the First Congress, which assembled on March 4, 1789, the people of the thirteen original States were represented in the House by sixty-five members. This representation was fixed by the Constitution, until the taking of a census. The first census was that of 1790; and in 1792, Vermont and Kentucky having been meanwhile admitted into the Union, an Apportionment Act was passed which increased the number of Representatives to one hundred and five, or one for every thirty-three thousand persons. Since then, every ten years a census has been taken, the population of the country ascertained, and other apportionments have been made. The States, the people, and their Representatives have increased in number, until now, under the tenth and latest census (that of 1880) and the last apportionment, 49,371,340 inhabitants comprising the “representative population” of the country,

scattered throughout thirty-eight States, are represented by three hundred and twenty-five members of the House—a ratio of one Representative to about every one hundred and fifty-two thousand inhabitants. New York, with a little over five million inhabitants, heads the list with thirty-four Representatives; Pennsylvania, with over four million, has twenty-eight; and so it tapers toward a point where we find Colorado, Oregon, Delaware, and Nevada, with populations ranging in the order named from less than two hundred thousand to about sixty-two thousand, and with one Representative each.*

For the election of its thirty-four Representatives, the Legislature of New York has, pursuant to law of Congress, divided the area of the State into thirty-four parts, each “containing as nearly as practicable an equal number of inhabitants.” These divisions are called Congressional Districts, and the voters, or electors, of each district are entitled to choose one person to represent them in the House. A similar division is made by other States having populations which entitle them to two or more Representatives. Where a representation of only one is given, as in the case of Nevada, the whole State is practically a district.

On a specified day, every alternate year, Congressional elections are held in each State, and every person who, by the law of his State, is qualified as an elector “of the most numerous branch of the State legislature,” is entitled to vote. This is done by going to one of the polls, or voting-places, and depositing in a box, in charge of election officers, a slip of paper bearing the name of the candidate whom he wishes for Representa-

* The eight organized Territories and their solitary delegates are not embraced in these figures—the representative population being only the population of the States. The total population of the United States, including the eight Territories and the District of Columbia (but not including Alaska, the Indian Territory, “wild Indians,” etc.), was at the last enumeration, 50,155,783. It is now estimated at 60,000,000. The statements in the text as to population, are based upon the last Census Report.

tive. These slips are termed "ballots," and the box into which they are dropped the "ballot-box." The voting begins at a designated hour in the morning, and ceases at sunset or other stated time in the evening, when the polls are closed, the ballots



One of the Thorns of Senatorial Life.

A DISSATISFIED CONSTITUENT : " Well, Senator, how you could 'a' talked about that measure the way you talked about it *before* election, an' then 'a' voted on that measure the way you did *after* election, is to me rather considerable of an enigma ! "

are counted, and the man whose name appears on the greatest number of them cast in the Congressional District, is declared elected as the Representative in Congress of the people of that district.

THE FEDERAL LEGISLATURE.

The terms of the Representatives begin at twelve o'clock, noon, on the 4th of March of every odd-numbered year (such as 1885 or 1887), and end at twelve o'clock, noon, on the 4th day of March of the second year following. This period of two years is termed a "Congress," and a Congress is divided into "sessions." There is one regular session every year, commencing on the first Monday of December, thus making two regular sessions in a Congress, known as the "long session" and the "short session"; and as the President of the United States "may," in the language of the Constitution, "on extraordinary occasions, convene both Houses, or either of them," there are frequently three sessions in a Congress. At the expiration of a Congress, the terms of all of the members of the House come to an end, and so the House of Representatives itself, as a body, remains out of existence until reorganized by the assembling of the members of (to use a popular expression) the "next" or "new" House.

But it is not necessarily new, so far as faces are concerned; for many of the members of the old or last House are generally re-elected. The desire for re-election and the power of the people to send other men to the House, have a tendency to keep the law-makers on their good behavior.

(At the opening of the first session of every Congress, the newly elected Representatives assemble in their Hall in the Capitol, at Washington, and from their number immediately select their presiding officer, or Speaker.* In addition to the formidable power which belongs to that high station, the Speaker retains his ordinary privileges as a Representative. A "Speakership contest," as the struggle between the rival candidates is termed, is often a very exciting and always an interesting political event. Upon his election, he takes an oath

* This title is borrowed from that given to the presiding officer of the House of Commons of Great Britain.

administered by one of the members) by which he pledges himself to support the Constitution of the United States, and to faithfully discharge the duties of his office. Thereupon, having gone through the formality of thanking his associates for the honor conferred upon him, he administers to them a similar oath. The next step is for the Representatives to appoint their Clerk and the other officers necessary to assist them in their proceedings, and then to choose their own seats in the Hall of Representatives. And, having attended to all these matters—having selected a Speaker to preside over their deliberations and keep them quiet, having taken the oath of office, and having installed their corps of assistants into comfortable positions, and ensconced themselves in cane-seated chairs behind a bewildering mass of oak desks—the members are full-fledged Congressmen, and the House of Representatives exists once more as a “body,” and is ready to roll up its legislative sleeves and go to work.

The Senators are elected in a different and much simpler manner. They are chosen by the *legislatures* of the respective States (the manner of election being designated by Congressional enactment), instead of directly by the votes of the people. Each State is entitled to two Senators, but no person can be a Senator, unless he is thirty years of age, of nine years' citizenship, and an inhabitant of the State when elected. (The number of Senators is unalterable, except by the admission of new States. Multiply the number of States at any given time by two, and you have the number of Senators at that time. There is a subtle distinction between a Senator and a Representative, as shown in the distinct modes of election. The two Senators from New York, for instance, represent that State as a political unit or entity—in other words, in her sovereign capacity *as a State*. The thirty-four Representatives represent the *people* of New York as so many *individuals* in the entire Republic. You

will thus see that in the Senate, one State is as potent as another—they are all “peers,” or “equals”; while in the House, the power of a State is substantially in proportion to the number of its inhabitants.)

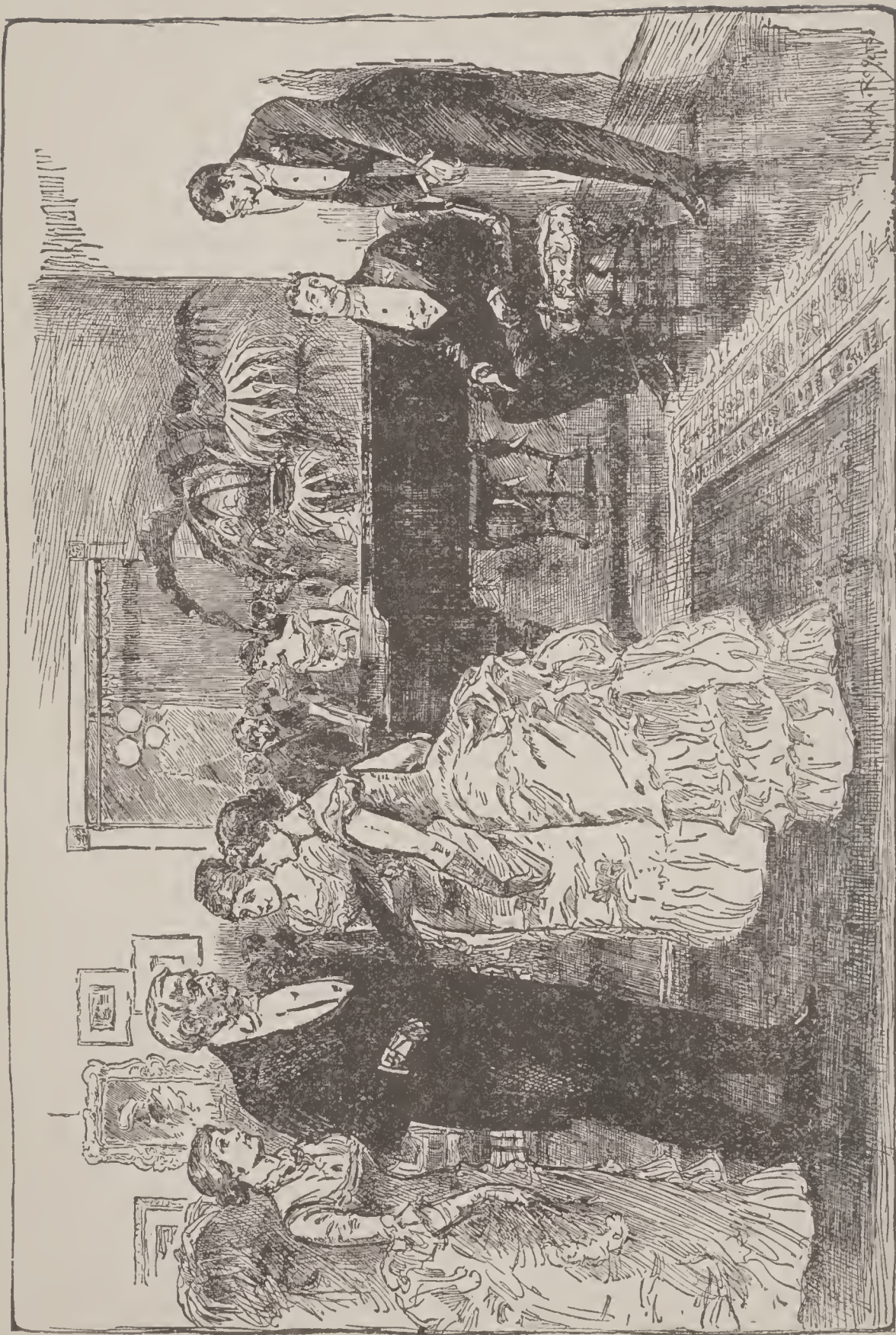
The Senators hold office for six years, and their elections are so arranged that the terms of one-third expire with each Congress. It is possible for the House of Representatives to be composed entirely of new members, ignorant of the difference between a “Call of the House” and a “motion to adjourn.” Such a thing could not happen in regard to the Senate, as only one-third of its membership can be changed at a time. This, then, forms another distinction between the two Houses. The Senate is a *continuous* body. It never dies. It is, to all intents, immortal. The House, however, is short-lived. Its death is absolute. Its successor is, in the light of the Constitution, an altogether new body, possessing an entirely different soul, but endowed with the authority exercised by the “late lamented”—the House immediately preceding it.

The Vice-President, who presides over the Senate, and who, together with the President, is elected by the people of the United States, takes no part in its debates. He can vote only in the event of a tie; in that case he may determine the question by his “casting-vote.” He, like all the Senators, “qualifies” for his office by taking the usual oath, and, with its officers, the Senate is thus equipped for the fray.)

Yet one other feature is essential to put the two bodies into thorough working order, and without it little progress in legislation would be made. In order that every measure upon which the action of Congress is or may be desired shall be properly examined, the Senators and Representatives are divided into numerous cliques, or groups, styled “committees,” from the fact that to them certain matters are “committed,” or referred, by the respective bodies to which they belong. The

committees of the House are appointed by the Speaker, one Congressman being sometimes a member of several committees. Those of the Senate are appointed by that body itself, and not by the Vice-President, although it is customary to allow the presiding officer to appoint conference and other temporary committees. In view of the important duties performed by these little councils, this right of the Speaker to form them will give you an idea of the influence which he exerts in public affairs. There are at this time about fifty regular or "standing" committees of the House, the largest numbering sixteen members, including the chairman ; and about forty committees of the Senate, the largest consisting of thirteen Senators and the smallest of three. There is thus a regular committee for nearly every class of legislative subjects likely to require the attention of either House ; and special, or select, committees are constantly being established. Most important measures undergo the rigid examination of the appropriate committees before being considered by either branch of Congress in full session. When the members of a committee report against or in favor of a particular matter, the House to which they belong is inclined to agree to what they recommend, since it knows that the committeemen have specially studied the merits and demerits of the question. The committees meet in elegantly furnished, frescoed rooms, built for their comfort and convenience, and provided with special clerks to record their doings. Their meetings are sometimes open to the public, but generally secret ; and, as even a Congressman cannot be in two places at the same time, and as he should not absent himself from the sessions of his House without "leave," committee-service is irksome as well as important.

It is an error to suppose that the law-makers have nothing more to do than to attend the ordinary sessions of the Senate or House, and draw their pay. Some of them are models of



One of the Roses of Senatorial Life.

“He is invited to all receptions, and is a ‘distinguished guest’ wherever he goes.”

industry—going to the Capitol early in the morning, holding committee-meetings for an hour or two, darting off to an executive department for information, taking part in the debates of the respective Houses, writing letters to constituents, and transacting infinite odds and ends of business until dusk. And when they go home in the evening, they are not always allowed to rest. They are bothered by dissatisfied constituents ; they are besieged by strangers and friends, one wanting this done, another that, a third something else, until, wearied and exhausted, they sink into a restless sleep, and dream hideous visions of the coming day.

Yet there is another side to the picture. They each receive \$5,000 a year and perquisites,* to say nothing of the honor of writing “ M.C.” and “ U.S.S.” after their names ; they are “ distinguished guests ” wherever they go ; they are invited to all levees and receptions, to all festivals and amusements ; they are banqueted by the President and entertained by cabinet officers ; and they are welcome to every species of domestic and foreign hospitality, from a charity-ball to a german at the legation, where they may move solemnly through the figures of the stately minuet, or dance to the livelier music of a cotillion and Virginia reel. Altogether, their careers are decidedly agreeable, and the average Congressman would gladly serve his country for life, and “ nominate his bones ” to fill the vacancy occasioned by his death.

* In addition to their stated salary, they are entitled to travelling expenses, known as “ mileage,” because computed by the distance between their homes and the city of Washington ; they receive a certain allowance of newspapers and stationery free, as also copies of all governmental publications—from an elaborate medical history of several huge volumes to a Congressional Directory ; they get seeds from the Agricultural Department and flowers from the Botanical Gardens ; and they have various other privileges and distinctions. The Senators recently voted themselves private secretaries, much to the vexation of the members of the House, who would like to have such luxuries also, but do not dare to take that liberty with the public funds.

CHAPTER III.

ASSEMBLING OF CONGRESS.

The law-makers, as we now understand, assemble at least once in every year in the City of Washington, which is the seat of the Federal Government, and hold their sessions in the huge white building, the beautiful Capitol of the United States. The Senators meet in a large room in the northern wing of the Capitol, and the members of the House of Representatives meet in a still larger room in the opposite wing ; and in going direct from one room to the other, it is necessary to pass through the great rotunda of the building. This rotunda may be considered neutral space, separating the two legislative halls like the dividing line between two empires ; and for one of the bodies to infringe upon the privilege of the other to control its particular wing of the Capitol building would be as much an evidence of hostility as for the army of one nation to invade the domain of another.

While each House of Congress is independent of the other, so far as the conduct of its own proceedings and the management of its own affairs are concerned, yet the Senate is usually looked upon and spoken of by the people as the "Upper House." It has been called "the grandest deliberative body the world has ever seen," and the Senators are supposed to be like the Senators of Venice, whom Othello addressed as "most potent, grave, and reverend Seigneurs." There is an iceberg dignity about the Senate that fills a spectator with awe, and

that would almost freeze a smile before it could break into a laugh.)

The Senators are very courteous in their remarks, and you would perhaps be able to hear a pin drop, at times, when a Senator is speaking ; whereas there is generally so much confusion in the House that I have often thought that were a thunderbolt to fall through the roof during the delivery of a speech it would hardly cause an interruption in the proceedings. One of the reasons for the greater noise in the House is the much larger number of Representatives as compared with the number of Senators ; and besides that, the Senators, being, as a rule, older men, have more natural gravity of demeanor.

(Now, the time of these Senators is presumed to be very valuable ; and as their thoughts ought not to be disturbed when they are engaged in making laws, only a certain number of persons are allowed to go upon the floor of the Senate when the Senators are at work ; and the other people who wish to hear them talk or to look at them must sit in the vast galleries which extend entirely around the room. The entrances leading into the room (which goes by the name of the Senate-chamber) are guarded by door-keepers, and only the certain select persons I have spoken of are permitted to pass.) The Senators naturally require a great many errands and services to be done for them ; and, to render these services, fourteen boys, from twelve to sixteen years of age, termed “ pages,” are appointed—seven for the Democratic side, and seven for the Republican side. A Democrat is a man who thinks the country ought to be governed in a particular way, and a Republican is one who thinks the Democrats are always wrong, and therefore believes in governing the country in some other manner than the Democrats wish. That, in short, is what the distinction amounts to. The Democrats belong to what is known as a “ political party,” and they always talk and vote the

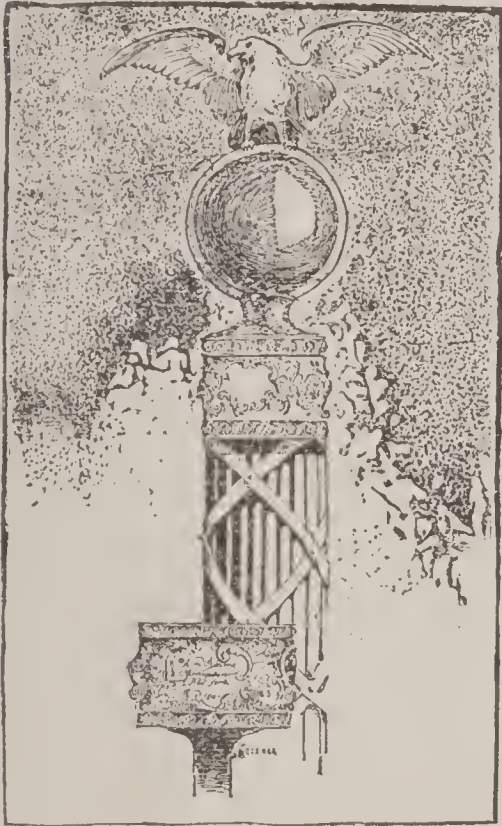
same way on any question of a political character—that is, any question which affects their power as a party or any of the principles of government in which they believe. The Republicans also belong to a party, and they talk and vote on these political questions just the opposite way from that in which the Democrats talk and vote. For this reason the Democrats and Republicans in the Senate are almost constantly quarrelling when they are in session, although when they are not in session they associate and talk and joke with one another as if they all belonged to the same party.

The Senators sit at nice little mahogany desks, arranged in a semicircle and facing a pile of steps and mahogany tables where the clerks sit, and where, higher still, away up on top of the platform, sits the Vice-President of the United States (or whoever may act in his stead when he is absent), who is termed the “presiding officer” or “President” of the Senate, and it is his duty to keep the Senators in order, just like a big school-master, and not let more than one of them talk at once. The Senators on the right of the Vice-President (that is, toward the southwest) are mostly Democrats; those on the other side (toward the southeast) are principally Republicans; and occasionally they have a few Independents—men who talk and vote sometimes with the Democrats and sometimes with the Republicans, just as they wish—and they are apt to sit wherever they can get good seats.)

With slight variation these remarks may be applied to the House of Representatives. The House-pages are double in number those of the Senate; and the Democrats and Republicans and Independents there are necessarily more numerous than in the Senate—their respective numbers in both bodies of course fluctuating with every Congress, as the people throughout the country express their preferences at the election polls in their choice of Representatives, or through their State legislatures in their choice of Senators. Personally there is no dif-

ference between Republicans, Democrats, Independents, and members of other political parties. They are all men ; and, if they wrangle and quarrel, it is simply because they have different views upon public questions. The battle of words in the House is more exciting than it is in the Senate, chiefly (as be-

fore observed in explaining the excessive noise) because there are more men to engage in it.



The Mace.

The Speaker and clerks are located on an eminence behind imposing marble tables. The Hall of the House is not so sombre as the Senate-chamber. Paintings adorn the walls and the national flag graces the gallery above the Speaker's chair. One item of furniture peculiar to the House is the mace. This is a sort of sceptre, surmounted by a silver eagle, which, guarded by the Sergeant-at-Arms, rests upon a marble stand to the right of the Speaker. It is the symbol of the power of the House, and rests up-

on its stand only when the House is in session and the Speaker is in the chair. The Democratic side of the House is on the right of the Speaker (toward the northeast) and the Republican side is on his left (toward the northwest), but when one party has a majority the members are of course obliged to project themselves into the "enemy's camp," as the seats on each side of the room will accommodate only half of the whole number of Representatives. At the time when my story begins the Republicans were in the majority in the Senate and in the House, and the President of the United States was also a Republican. Since then, things have changed.

Of course it was quite an honor to be appointed a page to so distinguished a body as the Senate of the United States, and as I was appointed from the State of New York, I considered that I, as well as the two Senators from that State, had the honor of the State to protect. I had heard so much about the awful solemnity and power of the Senate that I was at first afraid to touch any of these great law-makers, for fear I should be paralyzed or sent to jail. But this feeling of dread soon wore away.

The first day I went to the Senate was December 2, 1872, the beginning of the third session of the Forty-second Congress. People who wished to see the august body called to order began to arrive as early as nine o'clock, and in about two hours the galleries were crowded and would hold no more. The ladies sat in the part of the gallery reserved for them on the Republican side of the room, and looked charming in their beautiful hats, and garments of every color. Over on the opposite, or Democratic side, sat the men who were unaccompanied by ladies. Then, directly over the Vice-President's chair were the reporters for the newspapers—those industrious men who apparently never sleep, but who seem to be everywhere at once, and are always on hand whenever there is a fight or anything else of interest going on, ready to find out all about it (and more, too) and to telegraph it off, thousands of miles, to be printed in some great paper, the editor of which then preaches a sort of sermon about it, called an "editorial." Thus the people of the country are kept informed of what is happening throughout the world, and if it were not for these reporters, many of our public men never would be heard of outside the towns in which they live. But, as I was about to say, the reporters' gallery was filled with correspondents representing all classes of journals, from the powerful, thundering dailies of New York, to the weekly publication of some little hamlet in the West.

At a few minutes before twelve o'clock, Captain Bassett, the venerable Assistant Door-keeper of the Senate, told me to go to the Vice-President's desk and put the gavel upon a certain spot on the table. The gavel is a small mallet of ivory with which the presiding officer of the Senate thumps upon his desk to command silence or attention, precisely as a school-teacher taps his bell or raps with the ruler against his table. In the House of Representatives, whose members do not behave as well as those of the Senate, they have a mallet with a long handle to it that will make more noise, and sometimes it reminded me of a blacksmith at his anvil to see the presiding officer of the House pounding away for dear life, trying to make the Representatives be quiet. In fact, the Speaker's gavel is known in the official parlance of that body as the "hammer."

I placed the gavel near the edge of the desk—in order that it might be reached conveniently by the Vice-President without destroying the impressiveness desired—and hardly had I done so when, exactly at twelve o'clock, in walked two men through the door near me. They were Schuyler Colfax, the Vice-President of the United States, and Dr. Newman, the Chaplain of the Senate. The Vice-President advanced to the side of his desk, took up the gavel, and gave one loud rap. At once the buzzing in the galleries and on the floor ceased; and, in perfect silence, Dr. Newman ascended the steps to the Vice-President's chair, and, standing up as he would in a pulpit, delivered a short prayer. I do not remember all that he said, but he offered thanks to God for His blessings upon the nation since the adjournment of Congress the preceding summer, and prayed that the Senators might be blessed with wisdom and goodness, and guided of Heaven in their deliberations throughout the session then begun.

The prayer was hardly finished when nearly all the Senators began to clap their hands in every part of the Chamber, making

quite a racket. They had a habit of doing that immediately after the opening exercises, and, on one occasion, caused an old man in the gallery to exclaim, "Wall, I'll be hanged ef I saw anything pertikerlerly fine about that prayer!" But they were not applauding the prayer—they were merely calling for pages.

When the clapping commenced, the other pages began running zigzag and in every direction, and at first I became confused and did not know what to do. At last I saw one Senator look at me and clap, but as I started to walk another page ran ahead of me. I was about the only new page, and more timid and modest than the other boys. They wished to "show off," and they ran as fast as they could every time; and as I was a little fellow, with short legs, of course they distanced me. I tried about a dozen times to answer calls, but was beaten by the other boys.

I think several of the Senators must have observed my embarrassment, for after a while Senator Conkling beckoned me with the forefinger of his right hand—that was the way he always called a page—and I moved toward him at a quick but respectful gait. The other pages, however, were all anxious to get the message, as it would cause people in the galleries to look at them, for Senator Conkling was one of the most conspicuous men in the Senate, and people watched everything he did. He was then standing behind his desk holding a letter, and a number of boys rushed and put up their hands and grabbed at the letter, and almost fought for it. The Senator made a gesture for them to go away, and when I came up he reached over their heads and gave the letter to me, with instructions as to what I should do with it. After that episode, I felt all right.

As Dr. Newman came down from the Vice-President's table, Vice-President Colfax mounted the steps and, in a very

solemn manner, said : “ The Senate will come to order ! ” and took his seat in the chair. .

Then Mr. Gorham, the Secretary of the Senate called the roll of Senators to see how many were present, after which Senator Conkling arose and offered a resolution, the object of which was to have the Vice-President appoint two Senators to act as a committee to join a similar committee of the House of Representatives, and to call upon the President of the United States and notify him that Congress was in session, and ready to hear anything he might have to say.

Senator Anthony next submitted a resolution that the Secretary of the Senate inform the House of Representatives that a quorum of the Senate had assembled (that is, a sufficient number of Senators to transact business, which must be a majority of the entire Senate), and that it was ready to proceed to business ; and also another resolution, “ That the hour of daily meeting of the Senate be twelve o’clock, noon, until otherwise ordered.” Both these resolutions offered by Senator Anthony were adopted by the Senate, and, after brief proceedings about other matters, the resolution presented by Senator Conkling was also agreed to, and Senator Conkling and Senator Thurman were appointed as a committee, Senator Conkling being the chairman, or head of the committee.

At this point, as the Senate had nothing else to do, a recess was taken for one hour. Instantly the people in the gallery began to buzz again, and the Senators to talk among themselves and tell jokes and laugh, and a certain Senator, who sat far over on the Democratic side, amused himself by writing letters and soaring them away up into the air, and even against the ceiling of the room, and watching the pages attempt to catch them as they sailed down toward the floor. I think he could sail a letter better than any other Senator. Certainly, this was no great accomplishment to boast about, but some of the Sen-

ators sat through a whole session so quietly that they seemed never to do anything except to go to the Senate every day and sit still and vote. And I remember once a Senator came into the Chamber just as his name was reached by the Clerk who was calling the roll on some question. He looked around, and did not know what was going on or what he should do, and I pitied him and called out from behind him, "Vote 'No!'" And he did! Of course he thought it was some responsible Senator speaking to him. But I had been in the Senate several days before I had enough courage to pretend to advise a Senator.

Upon the Vice-President's calling the Senate to order after the recess, Mr. McPherson, the Clerk of the House of Representatives, appeared at the bar of the Senate (and by the "bar" I mean the end of the centre aisle), and the fact that there was a message to the Senate from the House of Representatives having been announced by Captain Bassett, the Clerk stated that the House had assembled and was ready to proceed to business. These notifications from each Congressional body to the other, and from both to the President, are acts of courtesy that are always observed at the beginning and close of every session of Congress.

After the lapse of a few minutes Senators Conkling and Thurman returned from the White House, whither they had gone to see the President, and Senator Conkling said that the committee appointed by the Senate had discharged its duty, and that the President had stated that he would communicate with the Senate at once in writing.*

After the report of the committee, there was a pause in the

* In olden times, during the early days of our Government it was usual for the President to come to the Senate-chamber in person, and, in the presence of the Senators and Representatives, deliver whatever address he might desire to make. But this custom was abandoned when President Jefferson went into office, and communications from the President are nowadays always put in writing and delivered by a messenger.



ISAAC BASSETT

Assistant Doorkeeper United States Senate

proceedings, during which the people resumed their conversations and whisperings. Very soon a gentleman entered the room through the door directly facing the Vice-President, carrying under his arm a package in a large white envelope fastened with a large red seal. As he entered every one became quiet again. Captain Bassett walked up the aisle in front of the Vice-President, and, when he reached the door, shook hands with the other gentleman, who proved to be Mr. Babcock, the private secretary to President Grant; and then this is what was said :

Captain Bassett (bowing) : “ A message from the President of the United States.”

Mr. Babcock (bowing) : “ Mr. President.”

The Vice-President (bowing) : “ Mr. Secretary.”

Mr. Babcock : “ I am directed by the President of the United States to deliver to the Senate a message in writing.”

Thereupon the President's secretary and the Vice-President exchanged bows again, and Mr. Babcock, giving the package to Captain Bassett, left the Senate and went to the House of Representatives to deliver another copy of the message to that body.

Captain Bassett took the envelope to the Vice-President, who opened it, and said that he would lay before the Senate a message from the President of the United States. Then the Secretary of the Senate began to read the message which the President had sent. It was a lengthy address, and the reading of it occupied an hour. It told how the country had prospered since the last session of Congress, and what laws ought to be enacted in order to make it more prosperous in the future. When it had been read through, Senator Anthony moved that it be laid upon the table and be printed, which was agreed to. To “ lay upon the table ” is a parliamentary expression, and signifies that the matter so treated is put aside, or “ shelved,” for the time being, or perhaps forever.

By this time we all were tired out, after remaining silent and listening to the reading for so long, and shortly after Senator Edmunds arose and said :

“ I move that the Senate do now adjourn.” Then everybody else began to move, and there was such a hubbub that all I could hear distinctly was the Vice-President saying :

“ The ‘ Ayes ’ have it, and the Senate stands adjourned until to-morrow at twelve o’clock.”

Then he gave another loud rap with his gavel, and the proceedings of the Senate for the first day of the session came to an end.

CHAPTER IV.

DIMINUTIVE DIGNITARIES.

The second day of the session I began to feel at home, and in the course of a week considered myself qualified to do anything required. I had to become familiar with all the many rooms and nooks and corners of the Capitol, and learn exactly where to go when sent upon a message. It was necessary for me to acquaint myself with every Senator and officer of the Senate, and this of itself was quite an undertaking. There were Mr. Gorham, the Secretary ; Major McDonald, the Chief Clerk ; Mr. Flagg, the Principal Legislative Clerk ; Mr. Simpson, the responsible and still flourishing Enrolling Clerk ; and a number of other gentlemen who attended to the clerical duties in connection with that body. In addition to the minutes or journals kept by the journal clerks of the respective Houses, the proceedings of each House are recorded by short-hand writers, the most eminent in their profession, everything said and done being actually reported and (after necessary revisions) printed. The publication containing this report was for many years the *Congressional Globe* ; since March 4, 1873, it has been the *Congressional Record* ; and in order to be accurate I shall occasionally quote from the pages of the *Globe* and *Record* in referring to certain proceedings. These official reporters it was not only a necessity but an honor to know. Mr. Murphy, the chief of the Senate corps, from his long experience was regarded as a walking cyclopædia of Congressional information,

and so also was Mr. Amzi Smith, of the Senate Document Room. These two veteran officers, I am glad to say, are still on duty, and the Senate is undoubtedly as glad of it as I am, for their services are absolutely indispensable.

Then there was Mr. French, the genial Sergeant-at-Arms of the Senate, whose duty it was to execute the commands of the Senate in preserving order and punishing offenses, and he had quite a corps of assistants, among whom we pages counted ourselves not the least by any means. Captain Bassett, the Assistant Door-keeper, and Mr. Christie, the Acting Assistant Door-keeper, were his chief assistants, and these veteran officers had, and still have, the laborious honor, among other things, of keeping the pages in check. I shall therefore have occasion to mention their names quite often in my narrative. Captain Bassett and seven of the pages guarded the Vice-President on his left; Mr. French and Mr. Christie and the other seven pages guarded him on the right.

More formidable in numbers were the House of Representatives and its attendants. I had to be about as well posted in regard to the members and officers of that body as of the Senate itself, because the Senators were constantly writing notes to the Representatives, and sending us on other errands to the opposite wing of the Capitol. And, furthermore, there was a large army of foreign diplomats, public functionaries, and prominent citizens, who were constantly coming to the Capitol to visit or confer with Congressmen, and it was useful to know the names and countenances of as many of these as possible. It required keen vision and a good memory to keep track of so many faces, and it was some time before I could distinguish Representative Poland from Sir Edward Thornton, the British Minister. Their resemblance caused me embarrassment on several occasions in the delivery of messages; but finally I became aware of the great fact that Mr. Poland always wore

a swallow-tailed coat with brass buttons, and my perplexity thereupon ceased.

Seven of the pages, as I have said, were to wait upon one half of the Senators, while the other seven were to serve the other half. They were expected to sit on the lower steps on either side of the platform occupied by the Vice-President and clerks. Whenever a Senator wanted an errand done he would clap his hands or beckon with his finger, and it was the duty of one of the pages on that side of the Chamber to go to him and find out what he wished. After having performed the errand or attended to the wants of the Senator, the page was expected to return to his seat and wait until some other Senator called. As a matter of fact, though, the pages would generally be flying about in all directions regardless of these rules; boys from the Democratic side would be running messages for the Republican side, and boys from the Republican side would be encroaching upon the privileges of their rivals on the Democratic side—for there was quite a spirit of rivalry between the two sides, and it was frequently shown in racing for messages and in other lively yet good-natured ways. Sometimes the Senators could not think of anything to send the pages for, and we would have an easy time; and, instead of sitting, as we ought, in an erect and dignified position, we would kneel down upon the soft carpet and play marbles. I have often gone up on the Republican side to where the Vice-President sat, as on a throne, and played marbles with a page on the Democratic side, almost under the Vice-President's chair. It would make some of the Senators angry to see us do this, especially Senator Anthony, who of late years was called the "Father of the Senate," a distinction given to the senior member in continuous service.* But most of the

* In 1872 Senator Sumner was the "Father of the Senate"; upon his death in 1874, Senator Anthony succeeded to the title; and upon Senator Anthony's death in 1885, Senator Edmunds acquired it. In 1872 the "Father of the House" was Representa-

Senators believed in letting us do whatever we pleased, so long as we kept still, while the young ladies in the gallery usually paid more attention to what we did than to what the law-



Pages at Mischief.

makers were doing. Perhaps it was this that used to annoy Senator Anthony.

tive Dawes ; upon the transfer of Mr. Dawes to the Senate in 1875, Representative Kelley succeeded to the distinction.

The Senators would send us on every conceivable sort of errand, and I found my store of information rapidly increasing each day. Occasionally, however, I would be puzzled. Some of the Senators were rather reckless in their chirography, and frequently one of them would simply hand to me a letter or a scrap of paper with some writing on it, without saying anything at all, expecting me to understand what he wished. I would turn these notes upside down, side-wise, and corner-wise, and could hardly tell from the hieroglyphics whether the words were good old Anglo-Saxon or Hebrew. If a fly had fallen into an ink-bottle, and, after being extricated, had walked over the paper on which such scrawls were written, dragging the ink after it, the tracks on its line of march could have been almost as readily translated into the English language. But, though I was very young and not especially precocious, I studied these various eccentricities, or styles—I was about to say “systems”—of legislative handwriting with such ardor, that I finally became able to read them all. So well known did this accomplishment of mine become, that I was at times appealed to by persons about the Capitol to decipher writings of other people, and, strange as it may seem, Senators have actually asked me to read their own marks which they themselves have been unable to recognize after making. I teased a Senator about this one day, and told him I thought it was curious he could not read his own handwriting. He did not like to acknowledge this fact, and declared that he could.

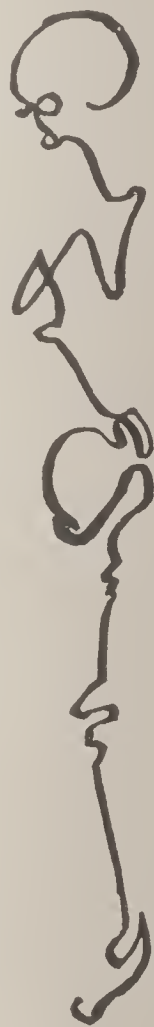
“Well,” said I, picking up a letter which he had just written and which lay upon his desk, “I’ll wager, sir, you can’t tell what word that is,” and I put my two hands upon the sheet of paper so as to cover all of the writing except that particular word.

“Oh,” he exclaimed, as if I were doing an unreasonable thing in covering up the other words, “take your hands away!”

But then he could not make out the word; even by the help of the others or the context of the letter, and laughingly admitted that he had forgotten what the scratches were intended for. At another time, I saw on a desk a piece of paper that had on it a comical likeness or image of a human skeleton in miniature—a profile view of the skull, the ribs, and the other bones, even to the foot. I wondered who the senatorial artist was, and in handling the paper I chanced to turn it another way. And what do you think it was? It wasn't meant for a skeleton, after all. It was nothing else than a very hasty autograph of Senator George F. Edmunds!

Senator Edmunds did not, perhaps, write more badly than certain other Senators, but many officers besides myself were often embarrassed by his mysterious penmanship. Once he offered a motion or resolution, and sent it to the Clerk's desk to be read. Major McDonald studied over it for quite a while, and, as he seemed unable to make headway with it, the Senator exclaimed: "Here, give it to me; I'll read it!" and going to the desk he received it from the Clerk. Standing in front of the desk, he stared at the paper for a few moments, turned it in various positions, and seemed likewise confused in regard to it. As a subdued titter came from his associates and from the galleries, he bravely began to read. Suddenly he stopped short. But Major McDonald, who had been panting for revenge and watching the paper, at once interposed and said in a hoarse whisper: "You have it upside down, Senator." And so he had!

But even if the handwriting had been legible, the meaning of the inscriptions was peculiarly bewildering. For example, how in the name of common sense was an ordinary mortal (and



Senatorial
Chirography.

especially a young mortal, fresh from the pages of Shakespeare and Scott) to know that the memorandum "H. 432" meant that the Senator wanted "House of Representatives Bill No. 432?" Yet that was an easy enigma compared with some others, and to solve these matters I was occasionally obliged to call in the friendly assistance of Mr. Amzi Smith, the genius of the Document Room: and what he could not make out, in the shape of senatorial puzzles, was, in my opinion, beyond all human ken.

One useful rule of conduct, I learned at the very beginning of my experience—I never betrayed my ignorance to a Senator. Had I done so, he might not have had sufficient confidence in my ability to entrust me with an important message, and might have called another page. If, therefore, a Senator, asked me to carry a despatch to the House of Representatives and hand it to a certain member, I would undertake the charge with perfect self-possession, and if I did not know the member, I would manage to find him by inquiry after I got to the House. Sometimes I would be sent for a certain book, and I would hardly know where to go for it—whether to the Senate Library, where are kept books only of a particular class, or to the Law Library, which contains works on purely legal subjects, or to the immense Congressional Library, including hundreds of thousands of volumes; and sometimes I would have to try each of these libraries before I could get the book. But I always succeeded in doing it, and without waste of time on my part. Only once, during the whole term of four years that I was in the Senate, did a Senator ever feel provoked at the manner in which I executed any order given to me. It was a memorable day. A Senator was making a very important argument, the galleries were packed, and every one was listening intently to what he was saying. In the course of his speech he had occasion to refer to a certain book, and searching through the pile he had

upon his table, found that the one he needed was not there. I was standing at the end of the Secretary's desk, and, looking straight at me, he called out :

“Bring me the third volume of the *Trial of Queen Caroline*.”

I supposed that he would not be able to proceed with his speech without the book, and I felt very anxious to bring it to him as quickly as possible. I knew the book very well, having had occasion to get it before, and that it was in the Law Library on the floor below, underneath the room occupied by the Supreme Court. It was quite a distance, but I had my slippers on, and I almost flew through the marble corridors, going down the winding stairway in a manner that must have astonished people who saw me. Rushing into the room, gasping for breath, I said to one of the librarians :

“Senator —— wants the third volume of the *Trial of Queen Caroline*, please.”

It was a book that he could have found and given to me in a very few moments, but for some reason or other he did not seem inclined to rise out of the chair in which he was sitting. After waiting a short while and realizing that every moment's delay detracted from my glory, I again appealed to him :

“Won't you please get me the book? The Senator is in the midst of a speech, and is waiting for it.” But the librarian answered : “Well, he can wait.” And then he continued to sit there, perfectly unconcerned, for fully five minutes. Soon, in came a page, who shouted to me very excitedly : “You'd better hurry up with that book !” And the librarian merely smiled sardonically—“but never a word spake he.”

Two or three minutes later another page entered, more excitedly than the first, and I really believe that, before the librarian condescended to get the book, nearly every page in the Senate was there to escort me back in disgrace to the Senate-chamber.

The errand would ordinarily have taken perhaps five minutes ; if the librarian had acted promptly, I believe I would have accomplished it within three minutes ; as it was, the delay was at least fifteen minutes, and when I reached the Senate, I hardly had the courage to give the book to the Senator, who was still speaking. As I approached him with it, he gave a majestic wave of his hand, saying very sharply and in a tone that was heard by every one : “ You may take it back. I don’t want it now.” This made the tears come to my eyes. I knew I had done the best I could ; yet all my good intentions and earnest effort went for naught. I suppose the spectators were unanimously of the opinion that I was a very lazy and stupid boy. Since that occurrence, in my battle with worldly affairs, I have frequently heard of persons being unjustly suspected and accused by people who knew nothing of the facts, but who based their judgment merely upon appearances, as in this case. But people who do not know the facts in any matter have hardly the right to form, much less to express, an unfavorable opinion of a fellow-man. That is the way I have always felt since I became old enough to look at things philosophically.

And so, although I felt stung, I gritted my teeth and walked quietly to my place. I had made quite a reputation for being prompt, polite, and intelligent, and the Senator possibly feared he had hurt my feelings, when perhaps I had not merited such treatment, for after the Senate adjourned he asked me the cause of the delay. I stated that I had brought the book to him as soon as I could get it, but said nothing further, thinking that explanation sufficient. Some of the pages, however, who had clustered about to hear the Senator scold me, here interposed, and told how the librarian had idly sat in his chair, apparently out of sheer wickedness. What the Senator did I do not know, but I heard that he gave the librarian a little discourse that was chiefly remarkable on account of its forcible adjectives. If so,

I presume the librarian regarded me as responsible for it ; but I was not.

It required considerable diplomacy to execute many of the missions committed to us without getting into difficulty. I have been sent on very important messages involving secrecy and tact, and have had to convey unpleasant information to ungentlemanly beings. My duties threw me among people of all grades and conditions, from the President of the United States to the humblest person in the land ; but, amid all vicissitudes, I vigilantly endeavored to maintain the dignity of my office as a senatorial ambassador.

People would come to the Senate and send in their cards to Senators who did not wish to see them. Many of these were "bores," and we cannot blame the legislators for declining to be bothered. But, on the contrary, I have often seen poor men and women haunting the doors of the Senate day after day, beseeching just one moment's interview, with an earnestness that always aroused my sympathy.

Some of the Senators, not knowing these people or not wishing to be troubled at the time, would give various excuses for not coming out. On one occasion a very pleasant-looking lady, who evidently wished assistance in some matter of deep concern to her, asked me to hand her card to a Senator, whose name I shall not mention, and I did as she requested. The Senator looked at the card, and at once said : " Tell the lady I am very busy, and must ask her to excuse me."

I accordingly gave the message to the lady. " But," I added, " if there is anything you desire to say to him, I shall be very glad to carry the message." She then explained that she was a soldier's widow and had what is known as a " pension claim " against the Government, and that, as a law of Congress was necessary before the claim could be paid, she wished some Senator to introduce a " bill " (which is the first step to-

ward a "law," as I shall hereafter explain), in order that her family might get the money and relieve their wants. She further said that she was not acquainted with any members of



W. A. Rogers

Her Legal Adviser.

the Senate or House, but had presumed to apply to this Senator, as he was from her State. I then told her that I did not think he would be likely to trouble himself much about the matter, but that, if she desired, I would speak to Senator Pratt,

who was Chairman of the Committee on Pensions of the Senate, and that as he was a very kind-hearted man I was sure he would assist her, although he was not one of the two Senators from her State. She said that she would be grateful if I would help her in any way, as she did not know what to do. I took her papers and went to Senator Pratt, told him all about the case, and asked him if he would not do what he could. He said, "Where is the lady?" I told him she was waiting in the reception-room, and he replied, "Well, take me to her," and I did so. The result was that the Senator introduced the bill for her, it passed through both Houses of Congress, was approved by the President, became a law, and she got her money within a few months.

It was thus very often in our power to aid strangers and others. I have many a time spoken with Senators who refused to see deserving people seeking interviews, telling them that the applicants were old or delicate or some other facts to excite their interest, and the Senators as often would change their minds and go out and see the persons.

But while the pages could be considerate and obliging, they could also be otherwise, if their dignity were involved. We could be as "aggravating" as any boys can be, when we wished, and some folks must have thought us little demons. Although we were employed to wait upon the Senators, "outsiders" would encroach upon our good-nature and ask us to do things which they could do as well themselves, and when, perhaps, we had our hands full of other work. We always refused to attend to these matters, if they were put in the shape of a demand instead of a request. There were several newspaper reporters in the gallery over the Vice-President's chair who frequently ignored our rights. A reporter would wish to ask a question of a Senator, and, rather than come down the stairs and send in his card, would drop a note from the gallery, ex-

pecting one of us to pick it up and hand it to the Senator to whom it was addressed. This was a rather officious request sometimes, when we were tired and worn out from excessive running, and would hardly feel like going up to where the reporter was, in the roundabout way in which we should have had to go, to deliver him the information called for, and then come all the way back. But, whether we were tired or full of activity, we did not like the matter-of-course manner in which some of the reporters demanded our services; and we would often let the note remain where it had fallen on the carpet. Sometimes, out of pugnacity, we would surround the paper and walk around it, gazing at it apparently with great curiosity, but evincing no inclination to touch it. Finally, when the reporter would lean over the edge of the gallery, and, in a very obsequious manner, would bow his head and smile and go through a lot of gymnastics to indicate to everybody else in the galleries that the "squib" would not "go off," and that he would be exceedingly obliged if one of our excellencies would graciously convey the paper to its desired destination, one of us would pick it up; but not until then.

In addition to the duties pertaining to the position of page, I soon became competent to assist officers of the Senate in various ways: at one time, relieving a door-keeper at his post; at another, acting as a scribe, or private secretary, to a Senator. But the honor or privilege that I particularly enjoyed was that of hauling up the flag. Every day, when the Senate met, a flag would be hoisted to the top of the staff on the roof of the Senate, to notify people of that fact, and it would so remain until the Senate adjourned for the day, when it would be lowered. The same thing was done as regards the sessions of the House.

The man who had charge of the Senate flag, not caring especially about the trouble of ascending the tedious stairs leading

to the roof, finally permitted me to act for him. Accordingly, every day, a little before the time for the meeting of the Senate, I would get the keys and go aloft, and, having arranged the flag and halyards, would wait there with the rope in my hand, ready to act. When the steam-whistles all over the city began to blow, announcing twelve o'clock, I would haul away until the flag reached the top of the pole, and, after fastening the rope near the bottom, would descend to the Senate-chamber, with a profound conviction that I was, after all, a very important personage. Sometimes I would have so many other matters to attend to that I would forget to hoist the flag for several hours after the meeting of the Senate ; and then sometimes I would go home after the Senate adjourned, forgetting to lower it, and it would remain there during the entire night. But no great harm resulted from these omissions, except that occasionally Senators, not observing the flag, would stay at home when they should have been at the Senate, or, seeing it waving, would trudge to the Capitol only to find that the Senate had adjourned and that they could return whence they came.

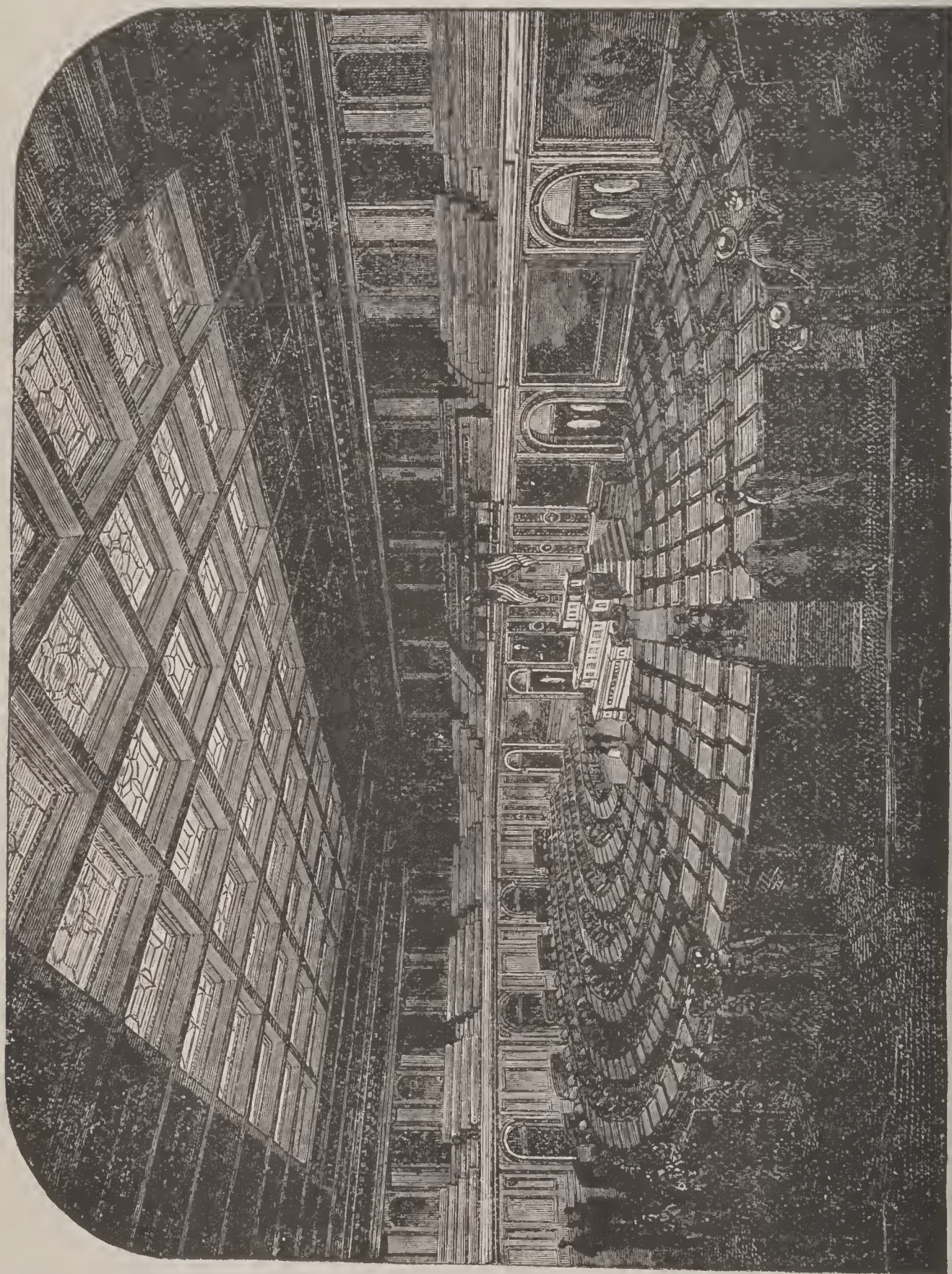
That flag, although to me an object of devotion, gave me more or less annoyance. Very often, at such a height, the wind blew with considerable violence, and, in a stiff breeze, after hauling the flag to the top, I would attempt to fasten the halyards, and not be aware, until some one mentioned the fact long afterward, that I had left the flag at half-mast. This was caused by the rope slipping while I was fastening it at the bottom. Of course, the flag at half-mast being an indication that a Senator or some other great functionary of the Government was dead, this state of affairs was somewhat embarrassing. But I capped the climax one day. The Senate had been in session for several hours, when in came a Senator who had just arrived at the Capitol, and inquired of a group of fellow-law-

makers what the Senate was in distress about. He narrated something that caused them to smile ; and after they had enjoyed themselves for a while in this way, one of them sent for Captain Bassett, and spoke to him. The Captain nervously returned and told me to go up to the roof and fix the flag. I could not imagine what could be the matter with it, but when I stepped on the roof I at once beheld the cause of the mirth. In raising the flag I had hauled away on the wrong rope, and there was the grand ensign of our Republic floating serenely in the breeze—upside down !

Of course, during the few days that it took me to become familiar with my duties, the Senate continued its sessions. That is, it did not suspend them on my account ; but nothing extraordinary happened until December 20th, when both Houses of Congress adjourned to January 6th. As, under the provisions of the Constitution, neither body can adjourn for a longer period than three days without the consent of the other, it became necessary for both Houses to agree to this, which was done by means of a *concurrent resolution*. Not much business is transacted by Congress during the month of December. The law-makers hardly arrive in Washington and unpack their trunks before they begin to think about Christmas and New Year's, and wish to depart for their homes to enjoy the accustomed festivities about their own fire-sides. Upon re-assembling in January, both bodies applied themselves to work in good earnest, and my labors increased in proportion.

But while attending to the duties demanded of me, I was very observant of the manner in which the law-makers attended to their own. Having become connected with the Senate and introduced to it, as I have described, and feeling, with the natural conceit of an American boy, that I thereby became a part of the legislative department of the Government, I con-

sidered that I ought to inform myself thoroughly about the powers of Congress, and therefore resolved to watch closely the proceedings of each body in the great business of legislation. The result of some of my observations I shall endeavor, briefly, to state.



CHAPTER V.

PROCEDURE.

The scope and form of the various requests, proceedings, or instruments by which Congressional action is asked or taken, are carefully defined. A *petition*, for instance, *prays something*—a *remonstrance* has no prayer; and it is necessary that every petition addressed to the Senate shall be signed by the petitioner or petitioners, and a general statement of its object must be given by the Senator presenting it before it will be received. In the House, petitions are filed by the Representatives in wholesale quantities with the Clerk, instead of being orally introduced in open session, after the fashion of the Senate.

Motions are generally oral, although they must be reduced to writing if required by a member, and relate to current proceedings, such as adjournment, recess, or disposition of business before the body.

When either House issues a *command* to its officers or in regard to its own affairs, it is by an *order*, the phrase employed being, “*Ordered, That,*” etc.

But “facts, principles, and their own opinions and purposes are expressed in the form of *resolutions*,” the phrase being, “*Resolved, That,*” etc. A simple resolution extends only to the affairs of the body adopting it.

There are some things that can be accomplished only by the action of both Houses, and, in minor matters of that description, the form employed is a *concurrent resolution*, the

language being : “ *Resolved by the House of Representatives (the Senate concurring), That,*” etc., or, “ *Resolved by the Senate (the House of Representatives concurring),*” depending upon which body originates the resolution. A concurrent resolution is necessary, for example, to effect an adjournment of either House for a longer period than three days, as in the case of adjournment over the Christmas holidays. While the Constitution declares that there shall be at least one session every year, no limitation is fixed upon the length of a session when so begun, except that which arises out of the provision requiring an annual session and the other provision fixing the duration of a Congress. It is evident that a session could not run beyond twelve o’clock on March 4th of a second year, although the first session of a new Congress might immediately follow ; and were one session to continue to the first Monday of December, it would necessarily come to an end, although another session would, under the Constitution and present law, commence on the same day. Apart from these restrictions, the two Houses have the right to determine when a session shall terminate, and such time is fixed by a concurrent resolution. But in case of disagreement between them with respect to the time of adjournment, the President may adjourn them to such time as he shall think proper.

Joint resolutions are the highest forms of resolutions, the resolving clause being : “ *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.*” In this form, proposed amendments to the Constitution are submitted to the States for ratification ; thanks or other tributes of respect are tendered to foreign powers, or to distinguished persons—those of our own country included ; and so on. There is a nice distinction between a *joint resolution* and a *bill*, but the law-makers sometimes lose sight of it, for we find them using joint resolutions to appropriate money and for other purposes which bills are intended to serve.

Legislation, strictly speaking, is done by means of *bills*, which begin : “ *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*” This is known as the “enacting clause,” which gives vitality to the provisions which follow ; without it, a bill would be worthless. Frequently, after a stubborn fight has been made in either House over the body of a bill, the opposition move to “strike out the enacting clause,” and the success of that motion would seal the fate of the measure.

There are two classes of bills—public bills and private bills. It is by public bills that measures designed for enforcement throughout the country and involving the legal rights of the people, are enacted. When enacted, they become *laws*, and are styled “Public Acts of Congress,” “Statutes-at-large,” or, more generally, “Public Laws.” When a public law is enacted, every person in the United States is presumed to know of it. The rule is, “Ignorance of the law excuses no man.” This rule seems rather harsh, perhaps, when we reflect that it is difficult to understand what some acts of Congress really mean ; but without it some folks would be constantly breaking laws and then shielding themselves behind the plea of ignorance to escape punishment. It has been suggested that no act should go into effect until after the lapse of a reasonable period of time, to afford the people an opportunity to post themselves properly. Yet this is not the case. Some acts do provide that they shall not begin to operate as law until a specified time named in them, but most of them take effect immediately upon passage and approval by the President. In this connection, however, I should note that Congress cannot make a law that will work to the *disadvantage* of any citizen for any deed done by him before the enactment of the law. Such laws would be retroactive, or *ex post facto* * laws ; and

* “Done after another thing.”

Congress is expressly prohibited by the Constitution from making them. The justice of this provision is manifest.

Private bills are those which confer benefit upon particular individuals, as distinguished from bills affecting the interests of the general public. When passed they are styled "Private Acts of Congress," "Private Statutes," or "Private Laws," and, being private, and for the advantage of some individual or class, other people are not bound to take notice of them.

The *title* which a bill or resolution bears is designed to point out its general purpose ; and to more clearly indicate the intent of Congress, a *preamble* is sometimes used.

A *treaty* is by some writers classed as a legislative act, and is as much a law of the land as an Act of Congress, although in the making of a treaty the House of Representatives has no power. To carry out the stipulations of treaties, however, Acts of Congress are often necessary.

Petitions, resolutions, bills, or other matters addressed to the attention or requiring the action of both branches of Congress, may be presented or introduced in either body. There is but one exception to this general statement. The Constitution prescribes that "all bills for raising revenue shall originate in the House of Representatives."

In the consideration of important bills, such as those relating to the revenue, the Lower House organizes itself into a "Committee of the Whole"—or, to be more exact, into a "Committee of the Whole House on the state of the Union," in considering public bills and business, and "Committee of the Whole House" in considering private bills. When the House goes into Committee of the Whole, the Speaker leaves the Chair and designates a member to take it, and the mace is taken down. The Representatives thereupon constitute a "Committee," instead of the "House," and they address their presiding officer as "Mr. Chairman," instead of "Mr. Speaker." After transact-

ing its work, the Committee "rises," the Speaker resumes the chair, the mace is restored to its pedestal, and the House receives the report of the Chairman just as if it were the report of any other committee. In the Senate this formality of going into Committee of the Whole applies to all legislative measures, but it is merely "assumed," the presiding officer being always "Mr. President," and the journal merely stating that the Senate *as in* Committee of the Whole did so and so. But any action taken in "Committee of the Whole," by either of the Congressional bodies, must be afterward agreed to by the "*House*" or "*Senate*," in order to be of effect.

Subject to certain exceptions a majority vote of each House is sufficient to pass any measure before it; but every order, resolution, bill, or other vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) must be presented to the President of the United States for his approval and signature. If the President disapproves of any measure so passed by Congress, he returns it, with his objections, or "veto,"* to the House in which it originated; and to become a law, in the face of his objections, it must be passed again by each House and by a two-thirds vote instead of by a majority. This veto-power of the President is termed his "negative," and is equivalent to one-sixth of the legislative power of Congress—that is, the difference between two-thirds and a majority.

The proceedings of Congress are methodical; otherwise, with so many law-makers, it would be almost impossible to accomplish anything at all toward advancing the interests of the nation. To restrain their proceedings from an excess of talk, as well as to prevent undue haste in legislation, numerous rules are established, and in addition to the standing rules governing the affairs of each House as independent bod-

* "I forbid."

ies, there are joint rules governing them in their mutual intercourse.

The rule of the Senate regulating debate is as follows :

1. When a Senator desires to speak he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer ; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate ; which shall be determined without debate.

2. If any Senator, *in speaking or otherwise*, transgress the rules of the Senate, the Presiding Officer *shall*, or any Senator *may*, call him to order ; and when a Senator shall be called to order *he shall sit down*, and not proceed without leave of the Senate, which, if granted, shall be upon motion that he be *allowed to proceed in order* ; which motion shall be determined without debate.

3. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.

The corresponding regulations of the House of Representatives are stated in one long rule, significantly entitled “ of Decorum and Debate,” from which I take the following extracts :

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to “ Mr. Speaker,” and, on being recognized, may address the House, from any place on the floor or from the Clerk’s desk, *and shall confine himself to the question under debate, avoiding personality.*

2. When two or more members rise at once, the Speaker shall name the member who is first to speak ; and no member shall occupy *more than one hour* in debate on any question in the House or in committee, except as further provided in this rule. . . .

4. If any member, *in speaking or otherwise*, transgress the rules of the House, the Speaker *shall*, or any member *may*, call him to order ; in which case he shall *immediately sit down*, unless permitted, on motion of

another member, to explain, and the House shall, if appealed to, decide on the case, without debate ; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise ; and, *if the case require it, he shall be liable to censure or such punishment as the House may deem proper.*

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House. . . .

6. No member shall speak *more than once* to the same question without leave of the House, unless he shall be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

7. While the Speaker is putting a question or addressing the House *no member shall walk out of or across the hall*, nor, when a member is speaking, *pass between him and the Chair*; and during the session of the House *no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House*; and the Sergeant-at-Arms and Door-keeper are charged with the strict enforcement of this clause.

It cannot fail to be noticed how much more strict are the rules of the House than those established by the Senate. The latter body apparently is unwilling to assume that it is possible for a Senator to be guilty of wearing his hat or smoking upon the floor of the Chamber, and it therefore makes no express provision on that subject ; and, as a matter of fact, they always do retire to the cloak-rooms when they wish to smoke, which is more than can be said of the members of the House. Nor does the Senate assume that the power of its Sergeant-at-Arms is necessary to restrain the Senators from disorderly conduct. Indeed, its rule does not mention the word "decorum," at all.

At one time the Senate did have a provision prohibiting any Senator from even speaking to another or reading a newspaper, during the reading of the journals or public papers, or while any

member was speaking in debate ; but this regulation was abandoned. I may here note that some rules are usually more honored in the breach than in the observance, on the part of both Senators and Representatives ; although, of course, this is done by implied consent, for whenever a Senator or Representative calls the attention of the presiding officer to the fact that any rule is being violated, which is called making a "point of order," it is the duty of the presiding officer to at once enforce that rule, however severe or apparently unnecessary.

One provision common to both bodies is generally enforced. It is made the imperative duty of the presiding officer to call a Senator or Representative to order when guilty of a transgression of the rules. Many things might occur which would be contrary to decorous notions, and yet for which the standing rules fail to provide. In such cases, each House tacitly recognizes the right of its presiding officer to apply the general principles which regulate the proceedings of the British Parliament (after whose general plan the Houses of Congress were fashioned) and obtain in other deliberative assemblies. These unwritten rules declare it to be a violation of order for a member of one branch of Congress to refer to any action in the other branch, or to address a fellow-member by name, or to indulge in personalities, and the slightest tendency toward their infringement is, I may say, instantly checked by the President of the Senate.

But while it is also improper, according to parliamentary decisions, to walk across the room, "or to walk up and down, or to take books or papers from the table, or write there," these injunctions are not, ordinarily, observed.

There is another parliamentary maxim seldom, if ever, applied, which declares that—

No one is to speak impertinently or beside the question, superfluously, or *tediously*.

And it is also laid down by a learned authority, that—

If a member finds that it is not the inclination of the House to hear him, and that by conversation or any other noise they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, *and sit down*; for it scarcely ever happens that they are guilty of this piece of ill-manners without sufficient reason, or inattentive to a member who says anything worth their hearing.

This may be good philosophy, but as it has not the force of a commandment some members of Congress are not disposed to heed it.

The most noticeable difference between the standing rules of the two Houses is the limitation upon debate. In the Senate there is only one restriction—a Senator shall not, without leave, speak *more than twice* on any one question in debate *on the same day*. Having obtained the floor he might hold it and speak till doomsday, so far as any express rule to the contrary is concerned; still, the constitutional limitation upon the length of a Congress and upon his term of office would eventually bring him to a halt, even if the presiding officer should not enforce the unwritten rule against superfluous and tedious talk.

The rule of the House is positive and emphatic—no member (subject to certain exceptions) shall, without leave, speak *more than once* to the *same question*, nor shall he *occupy more than one hour*. Some such restriction is absolutely necessary in so large a body; for, if each member were to speak one whole day on the same subject, the House would be obliged to sit every day in the year in order to pass a single bill. And yet some members have denounced this one-hour rule as “tyranny!” and “gag-law!”

There is another feature of still more importance—a feature unknown to the Senate, but worshipped by the majority in the House. I mean the *previous question*. When any question is before the House, any member may move a *previous question*,

which signifies, "Shall the question pending before the House (called the main question) be now put?" The call being sustained by a majority of the members present, all discussion upon that question—whatever it may be—is instantly ended, and the House is brought at once to a vote upon it. It will thus be seen that the device of the *previous question* enables a majority at any time to shut off debate and put the minority to silence by a prompt and final vote on the immediate question under consideration. This power of the majority, therefore, may seriously interfere with the rights of the minority, about which we shall speak hereafter.

The *previous question* applies only to proceedings in the "House" proper, and to get away from its operation and from other restraints upon free discussion is one of the great objects in going into Committee of the Whole. Still, the majority can at any time order the Committee to "rise," and, upon going back into the House, can enforce their power by demanding the *previous question*, or by passing an order limiting debate or otherwise binding upon the members should they return to discuss the same subject in Committee. The *previous question* also comes in for a goodly share of denunciation as "tyranny!" etc.

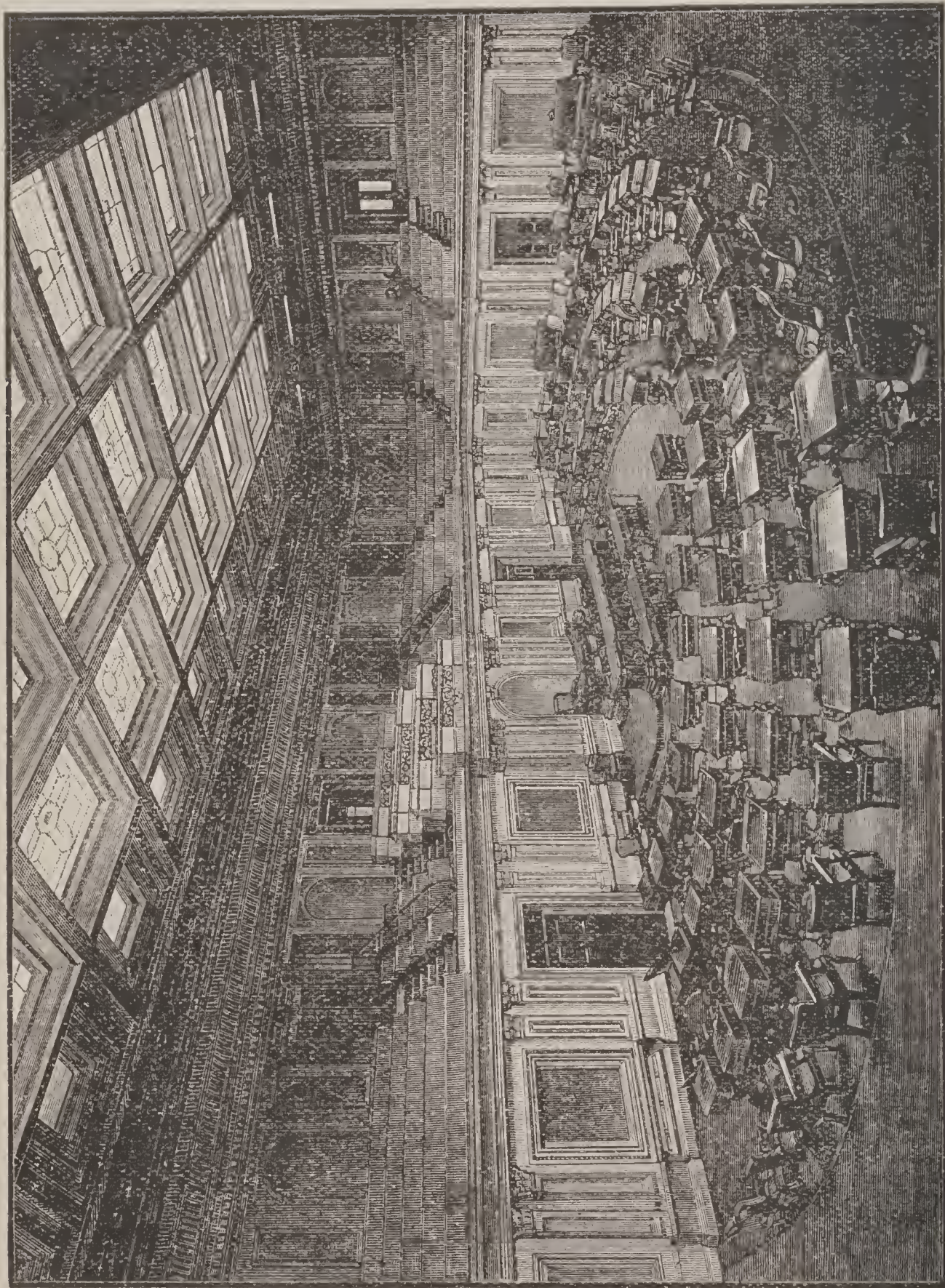
In the discussion of certain bills and resolutions, for the consideration of which a portion of each day is assigned, the Senate applies what is known as the "five-minute rule." This rule restricts debate upon any question to five minutes, but as it relates only to measures to whose consideration no objection is made, it is practically no exception to the unlimited privilege of debate mentioned. This five-minute restriction may, by temporary order, and under a pressure of business, be made to apply on other occasions. It obtains especially in the House. Its strict application, however, is evaded in both bodies by a very simple trick, called the "*pro forma* amendment." For

example : A bill is before the House and the five-minute rule in operation. An amendment to one of the sections of the bill is proposed and is the immediate, or pending, question. A member opposed to the amendment rises and begins to state his objections. In the middle of a sentence his time expires, and the sentence is cut short by the descent of the Speaker's gavel. Without making the slightest movement toward taking his seat, the member rapidly says, in the same tone of voice, as if a part of his remarks, "I move to strike out the last word," and then goes straight along and continues his speech for another five minutes, as if no interruption had occurred. This is all right, under the rule, because theoretically he is not talking to the original amendment, but is speaking on another and distinct question—his pending "amendment to the amendment"—and is entitled to five minutes on that question. When stopped the second time, and not being permitted to propose further amendment (an amendment to an amendment being the extent of any motion, as otherwise a member might continue to move to amend by "striking out words," one at a time, and thus speaking indefinitely), he says, "I withdraw the amendment," and takes his seat. Then another member rises, talks for five minutes, is cut short, renews the same old amendment about the "last word," speaks for another five minutes, is stopped a second time, withdraws the amendment, and resumes his seat. And so it goes on and on, over and over again, each member after finishing his remarks, withdrawing the *pro forma* amendment, merely to let the next speaker renew it or perhaps vary it by a motion "to strike out next to the last word." If a member cannot express his additional ideas in the five minutes thus secured, he can proceed only by unanimous consent, or by having some friend obtain the floor and yield to him the time to which he (that friend) is entitled. The *pro forma* amendment is an innocent device, but the way in which it is used in the

House of Representatives renders the five-minute provision somewhat ridiculous.

It is admitted, on every side, that the rules of the House in regard to "precedence" and other matters pertaining to the transaction of business, obstruct rather than facilitate legislation, and the number of objections that may be raised under these rules is really bewildering. Indeed, an official reporter has estimated that *two-thirds* of the time of the House are consumed in the discussion of mere *points of order*!

Altogether, there is no particular danger to the Republic because members of the House are limited to one hour.



CHAPTER VI.

LEGISLATION.

The daily routine of the Senate, as I observed it, was very simple. After prayers by the Chaplain, the next thing was the reading of the journal of the previous day by one of the clerks. After that, the Vice-President would lay before the Senate messages from the President of the United States and other papers upon his table. Then he would announce petitions and memorials to be in order. Of course the people of the United States, having sent these men to Congress to make laws for them, have a right to tell them what laws they wish enacted, and the First Amendment to the Constitution prohibits Congress from interfering with this right. All the memorials having been presented, reports of committees, bills, and other papers were submitted. For the presentation of these matters, the first hour of every day was set apart, and the labor of carrying the papers to the desk devolved upon the pages. After the "morning hour," the Senate generally devoted itself to the consideration of those measures which lead to the great debates of Congress, and result in the enactment of important laws. As you may wish to know something about the course of legislation, I shall try to enlighten you.

Let us take a convenient illustration. Suppose all of you young folk should suddenly acquire a keen appetite for honey—that you could, in fact, eat nothing else—and that you should prefer the honey produced abroad by foreign industry to that of the busy bees of our own land. Now, the gathering of the

honey from the hives, putting it into cases, or extracting it from the comb, and bottling, together with its transportation over thousands of miles, are items which involve considerable expense. Then, too, the farmer, or producer, is entitled to some compensation in the way of interest on the money which he has invested in bees and other features of his business. The wholesale merchant, who buys it from the producer, the retail dealer, who buys it from the wholesale merchant, each adds to its cost a reasonable amount by way of profit. All these matters enhance its natural value, or, in simpler words, make the honey worth more to you than it would actually be worth if you could obtain it directly from the workshop of the bees. In addition to these, however, there is another thing that seriously affects the price.

Money is required to run the ponderous machinery of Government. The legislators, the President and other executive officers, the judges, the soldiers, sailors, and miscellaneous "servants of the people" do not work for mere love. They must be paid for their services in money. The noble volunteers who, to protect their country's flag, risked death upon the battlefield, and returned to their homes crippled, wrecked in health, disabled for work, deserve something better than empty handshakings on the part of the Union. The officers of Government cannot all do their work in the open air, nor can commerce navigate over rocks and reefs. Public buildings must be erected, harbors and rivers improved, light-houses built. These cannot be had for nothing. Then there is the Indian. We stole his lands. He expects us to pay his board. We have agreed to do it.

These and other matters connected with the management of national affairs cost millions of dollars annually. How is the money to be raised? The Constitution points out to Congress the way—Taxes! Taxes!

There are two kinds of taxes—direct and indirect. While a

handsome yearly income is derived from sales of public lands and from other sources, the Government depends for its hundreds of millions upon indirect taxation. One species of indirect taxation is what is styled the "Internal Revenue," which taxes domestic evils, like the liquor traffic, and yields the Government an immense sum.

But its most profitable indirect device is the "Tariff." Upon certain products and manufactures brought to our shores from other lands, it lays a tax, or "duty," and that duty must be paid to the proper Government officials (called "customs-officers" or "custom-house officers") before the things can be sold in this country. On every pound of figs brought to this country, the Government, through its customs-officers, collects two cents. Slates and slate-pencils from abroad must pay thirty cents for every dollar of their worth. When you buy these things, you pay much more than actual values. A part of the excess goes into the Treasury of the United States as a duty, or indirect tax ; for, of course, the dealer who imports these articles includes this extra cost in the price charged the purchaser. You little folk have perhaps no idea how much you contribute every year to defray the expenses of our grand Republic ! Dolls and toys not made in this country must pay thirty-five cents on every dollar of their value ; foreign beef and pork are taxed one cent per pound ; vinegar, seven and a half cents per gallon ; oats, ten cents a bushel ; mackerel, one cent per pound. Bonnets, hats, and hoods, for men, women, and children ; canes and walking-sticks ; brooms, combs, jewelry, precious stones, musical instruments of all kinds, playing cards, paintings, and statuary—these are also heavily taxed by this revenue-raising law.

I should state, however, that all articles from abroad are not taxed. There is what is known as the "Free List," on which are placed certain imports exempt from duty, such as *nux vomica*, *assafoetida*, charcoal, *divi-divi*, dragon's blood,

Bologna sausages, eggs, fossils, and the like. But the great bulk of important staples used in every-day life does not come within this favored class. Chemical products ; earthenware and glassware ; metals ; wood and woodenwares ; sugar ; tobacco ; provisions ; cotton and cotton goods ; hemp, jute, and flax goods ; wool and woollens ; silk and silk goods ; books, papers, etc.; and sundries—thus reads the Tariff List.

This is what is called “ Protection.” That is, putting heavy duties on foreign articles and commodities raises the price of those foreign articles, and prevents them from competing with the products of American industry.

It may be proper to observe, in connection with this, that the tariff question is one which has disturbed, and is likely to continue to disturb, the political parties of the country for many years. Those who think that our industries are in danger from foreign competition and that the lowering of values would seriously affect the wages of the laboring men, believe in what is known as a “ high protective tariff ” ; others, who think that competition would not do harm, but that this species of indirect taxation is the best mode of raising the necessary funds for governmental purposes, believe in “ tariff for revenue only ” ; and those who are of an altogether different way of thinking and who believe that the Government should derive its revenue by direct taxation or from other sources than foreign imports, speak up for absolute “ free trade.” Which of these three classes of believers or unbelievers is right in its views I do not undertake to say, but leave the question open for you to decide when you grow older and know more about the science of political economy and government.

The present tariff imposes upon foreign honey a duty of twenty cents a gallon.* We will say that you consider this a

* That is, under the Act of March 3, 1883, from which these other statistics are taken.

dreadful tax on such a "necessary," and that you would, under the circumstances supposed, try to have it removed. Accordingly, you would prepare and sign a petition to Congress, setting forth the hardship of this extra expense imposed upon you as purchasers and consumers of the commodity, and asking that the tax be abolished. Now, let us further suppose that I represent your district in Congress. (I say, "suppose.")

Very well. You would send that petition to me, as your Representative, that I might present it to the House. Having been presented, it would be referred to a committee for examination. As the removal of the duty would reduce the revenue of the Government, the petition would be sent to the Committee on Ways and Means. This committee, which is a very important one and consists of thirteen of the ablest members of the House, would read your petition and examine into the matter. There would then be two obstacles to overcome.

In the first place, the committee, or a majority of the members, might not wish to reduce the receipts of the national treasury without strong reasons being shown, and might invite you to explain the urgency of your demand. In the second place, the removal of the duty would not only affect the revenue of the Government, but would cut down the profits of American honey-producers or dealers, because the foreign farmers and merchants would thus be enabled to sell their honey at least twenty cents per gallon less than they can sell it under the present state of affairs. In other words, it would provoke competition, and the price would probably fall far below that now charged at an ordinary grocery-store. The American dealers would, naturally enough, oppose your designs as hostile to their interests, and request a hearing before the committee. Each side might employ lawyers to speak in its behalf, or might appear and personally argue the matter, whichever way the committee might prefer. But there would hardly be room for preference between

reach of danger from the House. The Clerk of the House then certifies the bill, notes on it the date of its passage, and takes it (together with your petition and the other papers in the case) to the Senate. In the Senate it is referred to the Committee on Finance, reported back, discussed, and (we shall assume) passed. The Secretary of the Senate carries it to the House and notifies that body of its passage by the Senate. It has now become an "Act of Congress," and is enrolled on parchment by the Clerk of the House (it being a House bill), and examined by the Joint Committee on Enrolled Bills, who see that no errors have been made by the enrolling clerks, and who report to the House. Then it is signed by the Speaker and the President of the Senate, the Clerk of the House certifies that it originated in that body, and a member of the joint committee takes it to the President of the United States, who, having ten days in which to reflect, finally thinks it a good act and signs it. It is at last a law. The President notifies the House of Representatives of his approval; the parchment is deposited among the public archives in the State Department; the law is duly published, under the direction of the Secretary of State, as a statute-at-large of the United States; foreign producers and merchants see it; competition at once begins, and the price of imported honey is very apt to fall.

This is a rough and hurried sketch of the travels of a measure on its road to enactment as a law. I have not stopped to consider its chances of defeat. (1) The Senate Committee might have "pigeon-holed" it or not reported it back to the Senate. Or (2) a majority of the Senate might have voted against its enactment, and thus have killed it outright. (3) They might have amended it, the House might have refused to concur in the amendments, joint conference committees of the two Houses might have been appointed to reconcile the Houses by some sort of compromise, either House might have refused

to agree to any report of such committee and insisted upon its position, and the disagreement (or "dead-lock") might have sealed the fate of the bill. (4) On the other hand, one of the Houses might have receded from its position, and the bill might have passed with or without amendment. Again, it would have been an act. But (5) the President of the United States might have objected to it, and forbidden it, by his veto, from becoming a law. In that event, he would have returned it to the House with his objections ; and unless the House and Senate, each by a two-thirds vote of the members present, should have again passed it over the veto, the measure would have been defeated.

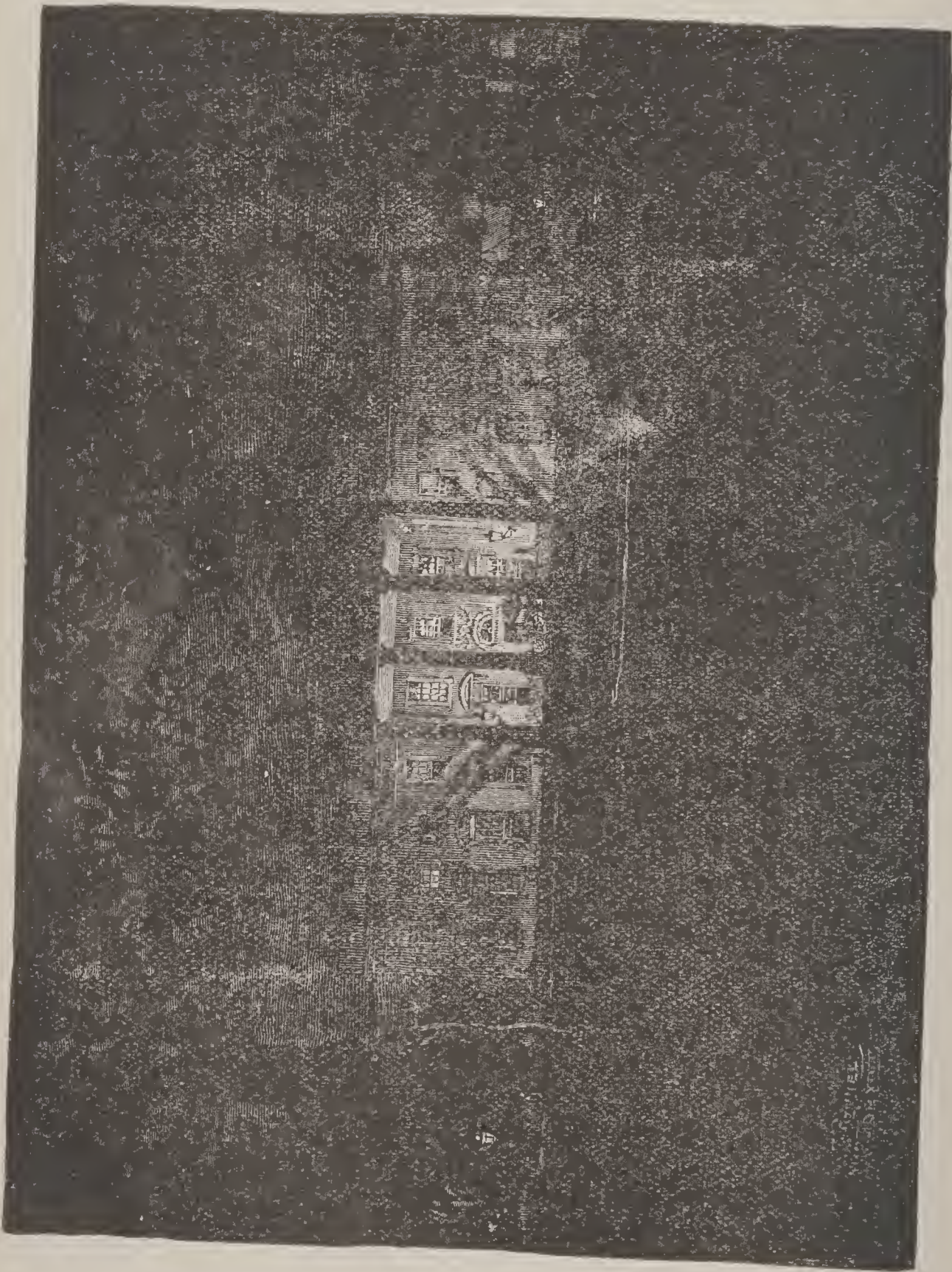
It is unnecessary to weary you by detailing the many difficulties an objectionable measure would encounter. I have endeavored, however, to show you that there are safeguards thrown around the proceedings of Congress for the purpose of preventing improper legislation from being rushed through without, at least, warning the people of it and giving them an opportunity to protest. An explanation of the rules established by both Houses to this end would fill a large volume. Some of them are abstruse and apparently incomprehensible, but they all are supposed to have a wise object in view—namely, to protect the people of the country from the enactment of bad laws. If, therefore, a harsh or unjust measure should at any time be enacted by Congress, you will understand the reason and know the moral to be drawn from it—that a majority of the law-makers have not done their duty, and that their places should be filled by better men.

CHAPTER VII.

THE FEDERAL EXECUTIVE.

Rules, edicts, judgments—all such matters which merely express the will of authority—are, in themselves, of no more value than the paper on which they are inscribed. There should be means, there should be power, to enforce obedience to commands. Congress, as the legislative department of the Government, can only make laws; it is for the executive department to see that those laws are carried into effect.

The executive power of the Federal Government is vested in the President of the United States. He is the head of the Republic. He is the “Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several States when called into the actual service of the United States.” He is charged with the execution of our laws at home and the protection of our rights abroad. For the welfare of the country and the advancement of its commercial and general interests in its intercourse with other nations, he has authority, by and with the advice and consent of two-thirds of the Senate, to make treaties with foreign powers. Furthermore, in the words of the Constitution, “He shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest



The White House by Night.

the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments." And by way of compensation for his labors and to maintain a style in keeping with the dignity of his office, he is paid a salary of \$50,000 a year, allowed rent-free the use of the Executive Mansion, or White House, at Washington, in which he resides and has his official headquarters, and thousands of dollars are annually appropriated to defray the expenses of his household.

So vast and varied are the affairs whose management is entrusted to the President, that Congress has found it advisable to distribute the duties of administration among seven "established executive departments," as follows :

1. The Department of State.
2. The Department of War.
3. The Department of the Treasury.
4. The Department of Justice.
5. The Post-office Department.
6. The Department of the Navy.
7. The Department of the Interior.

These administrative departments are presided over by officers, styled "Heads of Department," and known respectively as the Secretary of State, Secretary of War, Secretary of the Treasury, Attorney-General, Postmaster-General, Secretary of the Navy, and Secretary of the Interior. Together, they form the "Cabinet," or body of "confidential advisers" of the President, whose instructions it is their duty to see carried out by the thousands of civil, military, and naval officers in the employ of the Government.

The duties of the various executive departments are, I may say, almost infinite. The State Department was created on

July 27, 1789, by the name of "Department of Foreign Affairs"; but this name was changed within two months afterward. The Secretary of State is first in rank of all the members of the Cabinet, and is sometimes (though not accurately) referred to as "The Premier." He is the "right-hand man" of the President; attends to the foreign interests of the country, through its ambassadors, ministers, and other agents abroad, or through the diplomatic representatives of foreign powers accredited to the United States; conducts the correspondence between the President and the Governors, or Executives, of the States; is custodian of the great seal, and of the treaties and laws of the United States, and in other ways is a very prominent officer.

The Secretary of War has charge of the military service, and executes the orders of the President as Commander-in-Chief of the Army.

The Secretary of the Treasury superintends the national finances. He is the tax-gatherer and paymaster of the Government. From customs duties, internal revenue, and other sources, millions of dollars annually flow into the public vaults, the key to which is kept by the disbursing officer, or Treasurer. The Secretary must not let any of these funds slip away without permission of law, and every cent received and expended must be regularly accounted for.

The Attorney-General gives the President his opinion in regard to the meaning of Congressional legislation and other matters of doubt, when called upon for legal advice, and represents the Government in all litigation in which its interests are involved.

The Postmaster-General looks after the transmission of the mail, and, as his title implies, is chief of all the postmasters, carriers, and postal agents in the United States.

The Secretary of the Navy has charge of the naval service,

and executes the orders of the President as Commander-in-Chief of the Navy. He and the Secretary of War have a comparatively easy time in years of peace, and they have one advantage over the other Cabinet officers. Whenever they go within reach of a fort or arsenal or navy-yard, the soldiers and marines present arms and the cannon roar out a welcoming salute.

The Secretary of the Interior looks after the Indians—the “wards of the nation.” He also has charge of patents, public lands, and pensions, and makes himself generally useful. He is a sort of jack-of-all-trades, having charge of nearly everything that does not come within the duties of the other executive departments.

I have named the departments in the order of their establishment by Congress. The Department of the Interior was not established until 1849, and the Attorney-General and Postmaster-General had to wait some years before becoming Cabinet officers. Originally, the Secretary of War had control of both the land and the naval forces of the country, but in 1798 his maritime duties were taken away and lodged in a separate department. The expansion of our naval and military interests required this action.

Each of these Cabinet officers now gets a salary of \$8,000 a year. They are appointed by the President, by and with the advice and consent of the Senate; and it is often a difficult question for a public man to decide whether or not to resign a seat in the Senate in order to accept a Cabinet portfolio, or the reverse. The honors are about equal.

The headquarters of the executive departments are situated at the seat of Government, and the splendid structures assigned to their use have, with the White House and Capitol, given to the place the complimentary title “City of Palaces.” Anyone who passes the sombre Treasury-building on an afternoon at about four o’clock, when the army of clerks are leaving

for the day, readily understands why some folks have the notion that every resident in the Federal city is a Government



Treasury Clerks Leaving at the Close of the Day's Work.

officer. They pour out through all the doors in one continuous stream, to which there seems to be no end. They are of all

ages and conditions. An old colored man, who has picked cotton beneath the lash of slavery, comes merrily along, proud of the fact that he can now work for greenbacks and support his family in comfort; a pretty girl, thinking perhaps of a new hat or humming a tune from an opera; a gray-haired veteran, familiar with the secrets of many an Administration of by-gone years; a middle-aged woman, with a face furrowed by the iron fingers of care, struggling to maintain her orphaned children; a happy-go-lucky, dandy-looking stripling, twirling his cane with one hand and gracefully twisting his mustache with the other—these are but a few specimens of those who follow in quick succession.

To attempt to convey a proper idea of all the subordinate civil bureaus and offices created by Congress and their special duties, would be perplexing. The assistants to the Executive are legion in number, and scattered far and wide throughout the country and throughout the world. The law-makers have provided by law, that the President may appoint many of his minor assistants without consulting the Senate; the others can be appointed only with the permission of a majority of the Senate, except (as stated in the Constitution) during the recess of that body.

CHAPTER VIII.

SECRET SESSIONS.

While the chief business and object of Congress is legislation, each House possesses certain other functions and privileges of great consequence. After I had been in the Senate a few days, I became acquainted with one of the special powers belonging exclusively to that body—a power derived from constitutional provisions referred to in the last chapter.

When the President wishes to appoint a man to an important position in the Federal service, such as cannot be filled by him without the consent of the Senate, he so notifies the Senate, stating the name of the person and the office which he desires him to occupy. This naming of the person is termed a “nomination.” As various official places are constantly becoming vacant by the death, resignation, or dismissal of the people holding them, many of these nominations are annually sent in to the Senate by the President.

When it is found desirable to enter into a treaty, the President confers, through the Department of State, with the foreign minister to the United States, or, by means of our own diplomatic agents abroad, with the home officials of such foreign power in their own country; an agreement satisfactory to each side is drawn up and signed by the representatives of the respective countries, and this agreement or draft of the treaty is transmitted by the President to the Senate.

Whenever any of these nominations, or drafts of treaties, or any other confidential communications are submitted by the President, the Senate considers them in what is known as "executive session"—that is, a session devoted to action upon messages from the President—in which case the proceedings are secret, the galleries and floor being cleared of spectators, and the Senate sitting with "closed doors." Only a few offi-



The United States Post-Office Department.

cers in addition to the Senators are allowed to remain in the Chamber. Even the pages are excluded. All the doors leading to the Senate are shut and, together with the gallery-stairs, securely guarded against intruders.

During such sessions, those highly valued and confidential officials, Captain Bassett and Mr. Christie took upon themselves, for the time being, our duties within the Chamber, conveying

the messages to the various doors at which we were stationed in small relays. Instead of remaining at our proper posts, however, we were more likely to be wandering up on the dome or in some other far-away place quite out of reach. An executive session was, with us, what a recess is to a school-boy, and we varied the monotony by promenading from door to door, changing stations with one another, racing up and down the corridors, catching ball on the portico, or doing such other things as might suggest themselves. My post was in the vestibule at the most important or main entrance, and we all used to delight to assemble in that small space—with only the wooden doors separating us from the Senate-chamber—and, standing up in the marble niches and on the floor, “make the welkin ring.” More than half of Mr. Christie’s duty seemed to be to put his head through the door and tell us to keep quiet. I do not think our efforts were ever appreciated by the law-makers on the other side of the partition. In the goodness of our hearts, we had no other purpose than to give the Senators a serenade.

These executive matters are referred to committees for examination in the same manner as legislative measures. For example—the nomination of a person as postmaster in a certain city is referred to the Committee on Post Offices and Post Roads ; a nomination as judge, to the Committee on the Judiciary ; the draft of a treaty to the Committee on Foreign Relations. The committees discuss the matter and report their views to the Senate in secret session. Some of the Senators may not like the man nominated for a certain office and may oppose the “ confirmation ” of the nomination, as the approval, or “ advice and consent,” of the Senate is styled. Then the friends and enemies of the man have a debate over the matter. Of course, outsiders are not supposed to know what they say, but it is presumed that the enemies tell everything they kn

or have heard against the man, to show that he is unfit to hold the proposed office ; and his friends, as true friends should, show the falsity of these charges, or otherwise answer or dispose of them. A treaty goes through nearly the same course as a bill. A vote is then taken upon the confirmation of the nomination, or ratification of the treaty. If a majority vote in favor of the person, the President may appoint the man ; otherwise not. If two-thirds so vote in favor of the treaty, the treaty is ratified by a " resolution of ratification," and, when also ratified by the proper foreign authority with whom it is made, the ratifications are exchanged between the officials representing the two Governments (either at Washington or at such other place as may be named in the agreement), and the treaty becomes law, binding upon us and upon the other Government.

One day, shortly after my appointment, I returned to the Senate-chamber, having been sent on a message to the House of Representatives. As I entered I heard a great deal of bustle, and, looking up toward the galleries, I saw all the people going out. I supposed that the Senate had adjourned, and at once rushed for my awl and began to do my filing—a daily task which consisted in attaching together by tape the bills and other printed matter distributed every morning on the desk of each Senator.

It was my duty to attend to Senator Sumner's files, and so, kneeling on the carpet, beside his desk, I was soon busily engaged, and did not pay any attention to what was going on about me. I had been at work there, I do not know how long, when, all of a sudden I was startled by someone catching hold of my ear, and, glancing up, I saw Senator Sumner gazing at me with evident curiosity. I noticed that the galleries were entirely empty, and that the doors were closed. I then heard somebody talking, and realized that business was being transacted in the Senate. I could not understand it at all. The

Senator continued to look quizzically at me, and finally asked what I was doing there. I told him. "Well," said he, "I would advise you to get out of this as soon as you can," and, lifting me gently (!!!) up by the ear, he exhibited me to the surrounding Senators. I was so small and had been so quiet that none of them had seen me, and they all smiled when I bobbed up so unexpectedly, like a jack-in-the-box. There was something in the air, though, like the mystic whisper of a fairy, that advised me to take to my heels, and I ran for the nearest door. To my horror, it was locked! Then I ran to another, and found that also locked. I was a caged animal, and my fright increased every moment. Happily, I caught the eye of Captain Bassett, and he motioned toward a certain lobby door. I rushed; to my surprise it opened, like the entrance to the Robber's Cave, and I thanked my stars when I got out! Just beyond the lobby I found a group of people collected in the corridor who seemed to be amazed to see me appearing from that quarter. Then, for the first time, I was told what an executive session of the Senate was, and how awful were its deliberations. I was informed that it was a deadly crime for anyone to listen to such proceedings, and for some time afterward I was in a state of terror, fearing that I should be arrested and punished. However, my fears were finally quieted by Captain Bassett, who explained the matter to me, and, saying that no harm had been done in that instance, advised me to be more careful in the future. And I was—that is to say, I have many a time since then lain awake on one of the gallery-seats, and heard the Senators discuss "secret" business with closed doors!

Secret sessions, by the way, are unpopular. There may be some executive and legislative matters proper to be discussed only in private, but, as a general thing, the people who employ these law-makers in Congress, demand the right to oversee them at their work. The members of the House, being directly

under the control of the people, evidently fear them more than the Senators do. As a consequence, they hold secret sessions only on exceptional occasions, and although, for some years, women were excluded from their gallery, everyone is now admitted, without regard to age, sex, race, or previous condition of servitude. It was not until 1795—nearly six years after the



The Treasury Department.

meeting of the First Congress—that the Senate recognized the justice of the demand for open sessions on the part of the people. Before that time, all its sessions had been conducted with closed doors. Now, however, its debates and proceedings, like those of the House, are always open to the public, except when it is engaged upon executive or other peculiarly confidential affairs. A strong effort has lately been made by

some Senators to abolish secret sessions altogether, but at this writing the resolutions on the subject remain unacted upon by the Senate.

It is a breach of confidence for a member or an officer of the Senate to disclose the transactions of a secret session, until the removal of the injunction of secrecy by a formal resolution of that body ; and one of its rules provides, that anyone so disclosing "the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body ; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt." Still, newspaper correspondents generally manage to find them out, in some way. So well known was their accomplishment in this direction, that Senators would oftentimes go to the reporters for information as to what had been done in secret session, instead of the reporters to the Senators ! Once a Senator, strolling to the Senate rather late in the afternoon, met a correspondent coming from the Capitol. The law-maker asked what was being done in the Senate. "Oh, nothing important," was the answer ; "they have just gone out of executive session and are now discussing the subject they had up yesterday." The Senator was evidently interested in some nomination or other business, and so he persisted, and asked the correspondent what action had been taken in executive session. The newspaper man coolly eyed the Senator for a few moments, and then cautiously remarked : "Well, you Congressmen are getting to be such free talkers I think I'd better not tell you !"

Whether or not the journalist was induced to tell the Senator what had been done, I am uninformed. If not, it is the most remarkable case of "golden silence" in the annals of the world.

CHAPTER IX.

EXTRA V A G A N Z A .

It may not be out of place to leave for a while the more sober and imposing side of life among the law-makers and take a glimpse at some of the comicalities which we Senate-pages enjoyed.

Many of my companions were born actors, equally successful in tragedy and in comedy. One in particular, whom I may call "Tom," had an especial preference for the character in Shakspearean and other tragedies known as the "heavy villain," and he was usually encountered, cane in hand, wildly fencing the air with "two up, two down, and a lunge." One day, during an executive session of the Senate, we were all assembled in our favorite vestibule, when this page began declaiming in his usual high style and thrusting around at imaginary ghosts and foes. The door leading to the Chamber was shut, and he would occasionally make a violent charge at it. Having recited King Richard's famous nightmare and a few other choice selections (which we, standing in the marble niches, properly applauded), he cried out lustily :

Slave, I have set my life upon a cast,
And I will stand the hazard of the die.
I think there be six Richmonds in the field ;
Five have I slain to-day, instead of him.

Just at this moment the door slowly opened from within. Tom, however, had prepared to “charge” and, with his eyes fiercely rolling and head downward, was altogether too excited to notice our “alarums”; and as he declaimed the famous line,

A horse! a horse! my kingdom for a horse!

he made a leap, and, with a terrific dive of the cane—took a certain well-known Senator full in his legislative stomach!

There was, in truth, a decidedly hasty “retreat and flourish” on the part of the senatorial Richmond, but we did not wait for the curtain to fall. We made a stampede through the swinging doors and down the corridor, followed by Tom, who, reversing the proper order of affairs, still brandished his “sword,” and shouted at the top of his voice:

Victorious friends, the day is ours!—

and in the five words which complete the well-known lines all the scholarly pages joined.

Some of our tragic recitations were too sacred for the profane eyes of “outsiders.” Of the many solemn councils held by us in the President’s Room with closed doors; or of how we were surprised on several occasions by the unexpected arrival of President Grant; or how we fled through the open windows, retreated *via* the balcony and Marble Room, and appeared with innocent looks of wonder before the enraged group vainly trying to unlock the door, with the dead-latch down on the other side, I need not speak. These were trivial matters, although the President himself and Captain Bassett did not seem to take them as philosophically as we did. Few things could disturb *our* equanimity.

But, of course, we did not confine our acting to secret vestibules and dungeons. Our energy demanded still higher and

more public stages of action ; and even as the Senate throws aside its frigid dignity at night sessions, and everybody does about as he pleases, we also often found it impossible to curb our desire for a little more freedom of action than the rules allowed.

One of our favorite performances in the comedy line, was to caricature the proceedings of the Senate. Frequently upon finishing our filing, in the morning, as we would have nothing else to do, one of us would take the Vice-President's chair and call the "Senate" to order in right parliamentary fashion. The proceedings of such a session were sometimes eccentric, although conducted strictly according to the rules of Congressional procedure ; for the pages of my day had really a good knowledge of parliamentary law.

Most of our sessions were characterized by scenes of disorder that, as one member of our little company disrespectfully remarked, "were worthy of the Lower House." In fact, they almost invariably broke up amid the wildest confusion—generally, however, because we ran them too near the hour for the assembling of the real law-makers, and were forced to decamp. Senators, Representatives, House and Supreme Court pages, and other "stragglers" would come in during our debates, listen spell-bound to our wonderful oratory and keen logic, and admire the aptitude shown by our presiding officer in applying the rules of the Senate.

It was usual for us to parody the actual debates of Congress, and we would often take up copies of the *Globe* of the preceding day, distributed on the desks of Senators, and follow the order of events there reported, with "variations" and other "improvements" in language and gestures. As it would be unfair to omit so historic a matter as a session for debate by these make-believe law-makers, I will give you a brief and mild specimen, and you may judge for yourselves in what respects

such a "Senate" resembled or differed from its great prototype.

A MOCK SENATE, AS HELD BY THE PAGES.

(Actual names are used because of the senatorial seats occupied by the pages. The Senators with whose names this liberty is taken should not bear improper odium on that account. The bracket-remarks are such as might be used by official reporters.)

TOM (*assuming the chair, and giving a loud rap with the gavel*) : The Senate will come to order, and the Secretary will read the journal of yesterday's proceedings.

DICK (*acting as Secretary, reading solemnly*) : "'Twas brillig, and the slithy toves did gyre and gim——"

HARRY (*rising from the seat of Senator Simon Cameron*) : Mr. President.

THE VICE-PRESIDENT (Tom, of course) : The Senator from Pennsylvania.

SENATOR CAMERON (Harry) : I move that the reading of the journal be dispensed with.

THE VICE-PRESIDENT : The Senator from Pennsylvania moves that the reading of the journal be dispensed with. Is there objection? [*After a pause* :] The Chair hears none. The Chair will lay before the Senate a communication from the King of the Fiji Islands.

GEORGE (*from the place of Senator Carpenter*) : I move that it be thrown into the waste-basket.

(*Motion carried.*)

SENATOR X. (Fred) (*standing in the aisle*) : Mr. President.

THE VICE-PRESIDENT : The Senator from Nowhere. [*Applause.*]

SENATOR X. : Mr. President, I rise to a question of privilege. In yesterday's *Coyote*, a sheet that pretends to be a journal for the dissemination of *news*, there is an article seriously attacking my reputation, accusing me of bribery and other high crimes and misdemeanors. Ordinarily I would take no notice of such a thing, but as everybody seems to believe it [Voices : "*We do, we do!*" "*Isn't it true?*" etc.], I consider that I owe it to this body, of which I have the honor to be a member, to ask for the appointment of a special Committee of Investigation.

SENATOR HAMLIN (Bob) : I suggest that the matter lie on the table for the present. The House of Representatives has consumed nearly all

the revenues of the country for investigating purposes, and I wish to find out whether there is enough money left in the Treasury to meet this proposed expense. [A voice : "*Raise the Tariff!*"] I think, however, that the reporter who inserted the article should be excluded from the privileges of the gallery.

SENATOR X. (Fred) : I am willing that the matter go over until to-morrow. [*A general sigh of relief.* Voice : "*You'll never hear of that again!*"]

VICE-PRESIDENT (Tom) (*striking with his gavel*) : The morning hour having expired, the Chair lays before the Senate the unfinished business of yesterday. [*The "Clerk" reads the title of a bill to appropriate a million dollars for the purchase of the North Pole.*]

Joe, as SENATOR EDMUNDS, is recognized by the Chair as having had the floor when the Senate adjourned the previous day.

SENATOR EDMUNDS (Joe) : Mr. President, when the Senate adjourned yesterday I was speaking of—[Several voices : "*Oh, we remember where you left off.*" *The Mock-Senator pays no heed to the interruption.*]
the sacred trust reposed in us as the guardians of the public funds—

SENATOR SCOTT (Will—Harry's colleague) : Will the Senator from Vermont permit me to ask him a question?

THE VICE-PRESIDENT (Tom) : Does the Senator from Vermont yield to the Senator from Pennsylvania?

SENATOR EDMUNDS (Joe) : No ; I cannot be disturbed. [*To Senator Scott (Will) :*] You made your speech yesterday. Now, let me make mine.

SENATOR SCOTT (Will) : I would like to ask you if—

SENATOR EDMUNDS (Joe) (*emphatically*) : Will you hush!—[*Loud laughter and applause.* *The Senator continues, after restoration of order :*]
—and of the integrity and fidelity with which we should exercise that—

SENATOR BAYARD (Jack) : Before the Senator leaves that branch of the subject I would like to ask him if he was not convicted of stealing from a sutler's wagon during the War of 1812. [*Great confusion.*]

SENATOR EDMUNDS (Joe) (*coolly, but with cutting irony*) : Very likely ; I was born in 1858 ! [*Laughter and applause.*]

SENATOR BAYARD (Jack) : I meant no discourtesy. I merely asked for information. [*Renewed laughter.*]

SENATOR EDMUNDS (Joe) : Mr. President, I yield to my friend, the Senator from Nowhere [Fred], as he is under an important engagement to attend a base-ball match this afternoon.

SENATOR X. (the versatile Fred) *having the floor, proceeds quietly to rub the intellectual part of his head with his handkerchief, brushes back his hair, adjusts his cravat, coughs, stretches his arms as if prepared for a "set speech," and at length begins:* Mr. President—Mr. President—Mr. President—ahem!—achoo!—this here [*hits the desk*—this question am one——

SENATOR CARPENTER (George) : Mr. President, I rise to a parliamentary inquiry !

THE VICE-PRESIDENT (Tom) : The Senator will state it.

SENATOR CARPENTER (George) : I wish to ask if the Senator can massacre the English language with impunity.

THE VICE-PRESIDENT (Tom) : Certainly. He not only *can*, but *does* ! [*Hands to the Clerk U. S. Constitution. Clerk reads Art. I., Sec. VI., Cl. 1.*]

SENATOR CARPENTER : But under the second clause of the preceding section we have authority to control such matters by a rule.

THE VICE-PRESIDENT : There is no rule on the subject.

SENATOR CARPENTER (*taking his seat with a crestfallen air*) : Well, there ought to be. It should be made a penitentiary offence.

THE VICE-PRESIDENT : The Senator from Nowhere will proceed.

SENATOR X. (Fred) : I congratulate the Senator from Wisconsin for his welcome suggest. I was hasty. I oughter know'd better. I will suspect the proprietaries of debate and be more carefuller *in futuro*. [*Cries of "Keep to English." "Please let some kind of language be left."*] Now, then, what were I saying when I left off?—[*Prompted by a friend.*—Oh, yes. This question is one [Voice : "*No, it isn't ! It are two !*"] who is likely to give large unsatisfaction to the sovereignty populace. [*Smiles, as if he had produced a fine burst of eloquence. Waits for applause. It does not come. Appears dejected. Face suddenly lights up, as with a happy thought. Strikes the desk, waves his arms wildly about like those of a windmill, and yells :*] Public extravergance, Mr. President—(*another slap*)—public (*thump*) and private (*thump*) extravergance (*heavy thump*) caused the downfall of—of—[*refers to a paper*] of Rome [*thump ! thump ! !*]—Page, bring me GIBBON'S HISTORY——. I will pass that portion of my remarks, Mr. President, for the present, until I have got the volume. Again, as the Senator from Vermont so haply said, what is our responsibilities as legislators ? Now, that there last idea [Voice : "*Do you call that an idea ?*"] digests another. The provisoes of our glorious Constitution is too broad ! [*Strikes a pile of papers and sends several of them into*



Pages as Mock-Senators.

the face of his neighbor. Leans over his desk to apologize and knocks off a volume upon the head of the Mock-Senator in front. Applause and cries of "Bravo!" "Encore!" etc.] It's unwise for to have this unlimitless power over the public funds. There oughter to be some restrict put upon it, so as in order to prevent extravagance, and that there can't be no in-advantage taken! [*Applause by an attentive rural constituent in the gallery, who thinks it is the Senate itself in session.*]

THE VICE-PRESIDENT (Tom) [*rapping with his gavel and speaking fiercely*]: The Chair desires to admonish those occupying seats in the galleries against further demonstrations. [*Rural constituent gets scared and goes out. Other folks laugh at this; Vice-President continues to rap.*]

SENATOR X.: Now, then,—

THE VICE-PRESIDENT (Tom) [*still rapping*]: The Senator will suspend until order is restored. [*Rap! rap!! rap!!!—Here, two genuine Senators enter, and pause to "take in the situation."*] Gentlemen in the rear of the seats will please be seated. [*Rap! rap! rap!*] The Chair requests Senators to take their seats. [*Rap! rap!!—After a pause:*] The Senator from Nowhere will proceed.

SENATOR X. (Fred): Mr. President, from the way things are going and the way things have went, we will soon be like unto Rome, and I shall now read from Gibbon, as the volume are here. [*Opens a book and is about to read.*]

SEVERAL MOCK-SENATORS [*jumping to their feet and simultaneously exclaiming*]: Mr. President, I rise to a point of order.

VICE-PRESIDENT [*recognizing Senator Edmunds (Joe)*]: The Senator from Vermont will state his point of order.

SENATOR EDMUNDS (Joe): My point of order is that the Senator from Nowhere is out of order. He must speak to the bill. We cannot waste our valuable time in listening to such trash.

THE VICE-PRESIDENT (Tom): The Senator is himself out of order.

SENATOR EDMUNDS (Joe): No, I'm not! [*Excitement.*]

THE VICE-PRESIDENT (Tom): I tell you, you are! and I wont be answered back either! [*Increased excitement.*]

SENATOR EDMUNDS (Joe) [*meekly*]: Well, why am I?

THE VICE-PRESIDENT (Tom) [*recovering his dignity*]: For using unparliamentary language. [*Cries of "Let the words be taken down," "Make him apologize," etc.*]

SENATOR EDMUNDS (Joe): Well, I ask for a ruling on my point.

THE VICE-PRESIDENT (Tom): The point of order raised by the Sena-

tor is well taken. The Senator from Nowhere will proceed in order and confine his remarks to the subject under consideration.

SENATOR EDMUNDS (Joe) : Does the Chair sustain my point of order ?

THE VICE-PRESIDENT : The point of order is sustained.

SENATOR EDMUNDS (Joe) : I appeal from the decision of the Chair.

[Great uproar, cries of "Are you crazy?" A Supreme Court page sticks his head through the door and shouts out a disrespectful remark. Terrific hubbub, cries renewed: "Turn the rascal out!" Supreme Court page ejected.]

SENATOR X. (Fred) : Mr. President, are it in order to move that the Senator from Vermont be lynched ? *[Cries of "Treason!"]*

THE VICE-PRESIDENT : It is not.

SENATOR X. : Then I make that motion. *[Renewed uproar, and general confusion.]*

VICE-PRESIDENT (Tom) *[rapping and shouting]* : The Chair wishes to remind Senators that this is not the House of Representatives ! *[Instantaneous silence.]*

SENATOR CARPENTER (George) : As it is manifest that the Senate is not in a mood to listen to my friend from Nowhere, I ask that he yield for a motion to go into executive session.

SENATOR X. : Not by any means ! I intend to finish this speech ! *[Cries of "Go on ! Hear ! hear !"]*

THE VICE-PRESIDENT : The Senator from Wisconsin moves that the Senate do now proceed to the consideration of executive business. Those in favor of that motion will say "aye" *[shrieks]* ; those opposed will say "no" *[louder shrieks]* : the "ayes" have it. The Sergeant-at-Arms will clear the galleries and close the doors.

[One of the Mock-Senators converts himself into the Sergeant-at-Arms, and moves about as if requesting people to leave the Chamber. SENATOR X. screams that the VICE-PRESIDENT had no right to "entertain any motion" while he had the floor. THE VICE-PRESIDENT says he understood the Senator to yield, and suggests that the Senator hereafter get an "interpreter" to explain his peculiar jargon. This provokes the orator's wrath.]

SENATOR X. (Fred) : I propose to be heard on this bill ! I'll not be gagged ! I want to say that I believe there isn't any pole at the North ! I believe that this bill are a wasteless misuse of the people's money ! a piece of robbery ! a job ! *[Continued excitement.]* Let us spend what money we have on that nav— *[flourishing his arms, and looking straight at Senator CAMERON (Harry)].*

SENATOR CAMERON (Harry) [*indignantly*] : Who's a knave ?

SENATOR X. (Fred) : Nobody.

SENATOR CAMERON [*in an excited basso*] : What did you look this way for, then ?

SENATOR X. [*baritone*] : I was saying —

THE VICE-PRESIDENT (Tom) [*rapping, and in a high tenor*] : Senators will please address their remarks to the Chair !

SENATOR CAMERON (Harry) [*in a shrill falsetto*] : I'll not be insulted !

[*The remainder of his speech is lost in the confusion, Senator X. manages to say something about "that navy of ours."* Senator Cameron (Harry) vociferates, and flourishes a paper-cutter as a weapon. More cries. All the Mock-Senators jump to their feet. Great excitement !

The hands of the clock are not far from the hour of twelve. Captain Bassett hears the noise, rushes in from the lobby, and walks sternly toward our presiding officer (Tom).

A genuine Senator on the floor rescues the dignity of the Mock-Senate by a motion to adjourn. And our presiding officer still has strength and pluck enough to put the question, give the table a soft blow with the gavel, and, amid general laughter and applause, announce an adjournment to the next day ! EXEUNT !]

Soon the *real* Vice-President and the Chaplain appear ; the Senate is called to order, and enters upon its dreary work ; and the atmosphere again subsides into a lugubrious calm.

CHAPTER X.

COUNTING THE ELECTORAL VOTES.

The secret sessions of the Senate were of common occurrence, that body devoting more or less time nearly every day to the consideration of executive business. Frequently, upon motion of a Senator, it would go into executive session in the middle of the afternoon, after which the doors would be reopened to the public, and the Senate would resume its legislative business. But I had scarcely finished my investigations concerning this curiosity of senatorial power and procedure, when I was given a chance to witness a ceremony and examine a subject of much greater interest and importance.

Most boys of America have had, no doubt, one common experience ; benignant old folks have patted you on your respective domes of thought, and assuringly remarked : “ Ah, you’ll be President of the United States yet, *some* day, my boy ! ” And many of you have probably believed, because of the number of old folks who have made that startling announcement, that you would each be nominated by acclamation, and that your election, like that of the first President of our country, would be unanimous. Without seeking to disturb so pleasant a prediction, let me call your attention to certain facts.

The Constitution says :

No person except a natural-born citizen . . . shall be eligible to the office of President ; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Under this restriction as to age, you will have some years to wait. This delay will give you time to thoroughly study the Constitution, the history and the laws of the Republic, and become familiar with many public questions about which a President ought to know.

When the people choose their President, they choose also their Vice-President. The President might suddenly die or become disabled from performing his duties, and in that case there should be someone ready to take his place. As the Vice-President is chosen to meet this possible emergency, he should be as wise and as good a man as the person chosen President. Hence it is that the Constitution provides :

No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Such are the necessary qualifications of the President and Vice-President. The manner in which those officers are elected is not so easy to comprehend. Indeed, it is rather bewildering. Here is what the Constitution says upon the subject :

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress. . . . The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and

certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. . . . The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President.

The Constitution having thus defined the general course to be pursued, gives to Congress and the legislatures of the States the power to regulate certain details.

Congress, accordingly, has by statute declared that the Electors "shall be appointed on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice-President," which is the same day of the year on which Congressional elections are held in all of the States.

The statutory provisions of the various States as to the way in which the Electors shall be appointed are not uniform in all respects; but we may say, generally, that the Electors for each State are chosen by the people of the State in the same way that a Representative is chosen by the people of a Congressional District. That is, each voter in a State may go to the polls on "Presidential election-day," and cast a ballot for as many persons, to act as Electors, as the State is entitled to appoint. The persons, to the number required to be chosen, receiving the highest number of votes, become the Presidential Electors for the State.

The Electors of all the States, having been duly chosen by the people, constitute what is styled the "College of Electors," and it is then their duty (and I need not worry you by stating the various enactments of Congress and the State legislatures which define exactly what they shall do) to meet on the first Wednesday in December following their election, in their respective States, vote by ballot for President and Vice-President as directed in the Constitution, and forward to the President of the Senate, at Washington, certificates of all the votes given by them.

The Electors having done their duty, it remains for Congress to finish the task, and, with this in view, the Federal law-makers have enacted that both Houses of Congress shall be in session on the second Wednesday of the February following these other performances, for the purpose of counting the electoral votes pursuant to the Constitution. Here all legislation on the subject ends.

This system of the indirect election of President and Vice-President has descended to us from the early days of the Republic, when the country was in its infancy and the population but a small fraction of its present size. Though the individual citizen does in effect vote for President and Vice-President when he casts his vote for the electoral ticket, the plan by which those Electors are themselves elected, and by which they, too, go through the show of a Presidential election before the final ceremony of an official canvass of the votes in Congress, is complicated, roundabout, and awkward. It would be much better, and altogether simpler, for the people to choose these high officers of Government directly, without the clumsy contrivance of the Electoral College. When you become law-makers of the country, I shall expect to see the Constitution amended in this respect. At any rate, please give the matter your thoughtful consideration.

I have said that "here all legislation on the subject ends." This statement is not only true, but deplorable. Beyond the law that both Houses of Congress shall be in session on a particular day for the purpose of counting the votes, there is no provision except the brief and vague commandment of the Constitution that "the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and *the votes shall then be counted.*" How and by whom shall the votes be counted? At this time nobody knows. The Constitution does not say, and Congress has not declared. Are we to suppose that the Constitution intended that the President of the Senate should do the counting? Hardly. It is pretty well settled that he is intended for ornament. His duties, such as they are, are not robust—simply to knock with the gavel and preserve order, and give the electoral envelopes the "constitutional rip." Further than this, his power and his glory abide in a state of expectancy—he has little to do but to wait, with patience and serenity, for the President of the United States to be good enough to die and leave to him the mantle of executive authority.

Twice, in the history of our Government, the people have been plunged into intense excitement, and the peace of the country has been imperilled, by the absence of proper provisions in regard to the election of President—once in 1801, and again in 1877. The lesson of 1801 resulted in the Twelfth Amendment to the Constitution, which took effect in 1804, designed to prevent a recurrence of the danger. The warning of 1877 apparently went unheeded, for while Congress, by a temporary and doubtful expedient, styled the "Electoral Commission," managed to lift the country out of the peril in which it was at that time placed, it has provided no guard, although ten years have passed, against a similar jeopardy, and perhaps catastrophe, in the future. Which shows that the law-makers who lived in the

early part of the century were, in some respects at least, almost as patriotic as are those who flourish now.

In 1873, however, there was a provision as to how the electoral votes should be counted. It was what was known as the "Twenty-second Joint Rule" of the two Houses of Congress, and provided that the two Houses should assemble in the Hall of the House of Representatives at the hour of one o'clock P.M., on the second Wednesday in February, and also provided the course of proceeding when so assembled.

As the terms of President Grant and Vice-President Colfax were constitutionally doomed to expire on March 4, 1873, Electors had been duly chosen by the votes of the people in the month of November, 1872, and these Electors had met and voted for a President and Vice-President of the United States for the succeeding period of four years, and the sealed certificates had been forwarded to Washington. Accordingly, on the second Wednesday (the 12th) of February, the certificates were to be opened and the counting of the electoral votes was to occur. When the day arrived, the Senate met at its usual hour and began to transact ordinary legislative business, in which no one, however, seemed to take much interest. The sight-seers crowded the galleries of the House of Representatives, the galleries of the Senate being almost deserted—only such persons occupying them as were probably unsuccessful in obtaining admission to the other House. After the transaction of some unimportant business, Senator Pratt arose and began an elaborate speech on the pension laws. But everything had a holiday appearance. The Senators, the pages, and the other officials felt like children about to go to a picnic, and were anxious for the hour of one o'clock to arrive and put an end to their agony of suspense.

Right in the midst of Senator Pratt's speech, the Clerk of the House of Representatives appeared at our bar and delivered the following message :

“ Mr. President : I am directed to inform the Senate that the House of Representatives is now ready to receive the Senate, for the purpose of proceeding to open and count the votes of the Electors of the several States for President and Vice-President of the United States.”

Shortly afterward, the hour of one o'clock having arrived, the Vice-President said :

“ The Senate, preceded by the Sergeant-at-Arms, will now repair to the Hall of the House of Representatives.”

Thereupon Mr. French, the Sergeant-at-Arms of the Senate, left his chair and walked toward the main door leading to the House, followed by the Vice-President and Secretary. Then the Senators fell in line, two by two, and the procession began to move. Certain other officers of the Senate joined the ranks, and as nothing would be regular or complete, according to our notions, without the presence and co-operation of the pages, we went along as a matter of course, sandwiching ourselves in between the venerable Solons wherever we could find an aperture wide enough to accommodate our small bodies. But the most conspicuous, if not the most important personage in the column, was Captain Bassett, the custodian of the electoral certificates. The patriarch of the Senate, he at all times inspired reverence ; on this occasion, as he slowly moved along in his dignified way, tightly clutching the sacred box containing the certificates (as a mark of especial honor, always given to him to carry), not even a page would have presumed or dared to so much as touch him.

The line of march led us through the great rotunda of the Capitol, which was crowded with people who had gathered to see the novel and imposing sight. It was an unusually orderly and respectful gathering ; no one tried to grab the box, and the police had no difficulty in keeping the crowd at a proper distance to permit the passage of the Senate.

When we reached the Hall our arrival was announced by a Doorkeeper ; and as we entered, all the Representatives and officers of the House rose to their feet to receive us, and remained standing while the Senators were being seated in the chairs provided for them in the eastern section of the Hall near the Speaker's desk. The Vice-President, as the presiding officer of the joint convention of the two Houses, took his seat in the Speaker's chair—the Speaker, Hon. James G. Blaine, occupying a chair on his left. Senator Sherman (who had been appointed by the Senate to act as a teller in counting the votes) and Representatives Dawes and Beck (the tellers on the part of the House) took their places at the Clerk's desk, at which the Secretary of the Senate and Clerk of the House were also stationed. The pages and “the other officers of the two Houses” established themselves (as under the terms of the Joint Rule they were entitled to do) “in front of the Clerk's desk and upon either side of the Speaker's platform.”

After the confusion on the floor and in the galleries incident to our entrance had somewhat subsided, the Vice-President rose and stated :

“The Senate and House of Representatives having met under the provisions of the Constitution for the purpose of opening, determining, and declaring the votes cast for President and Vice-President of the United States for the term of four years commencing on the 4th of March next, and it being my duty, in the presence of both Houses thus convened, to open the votes, I now proceed to discharge that duty.”

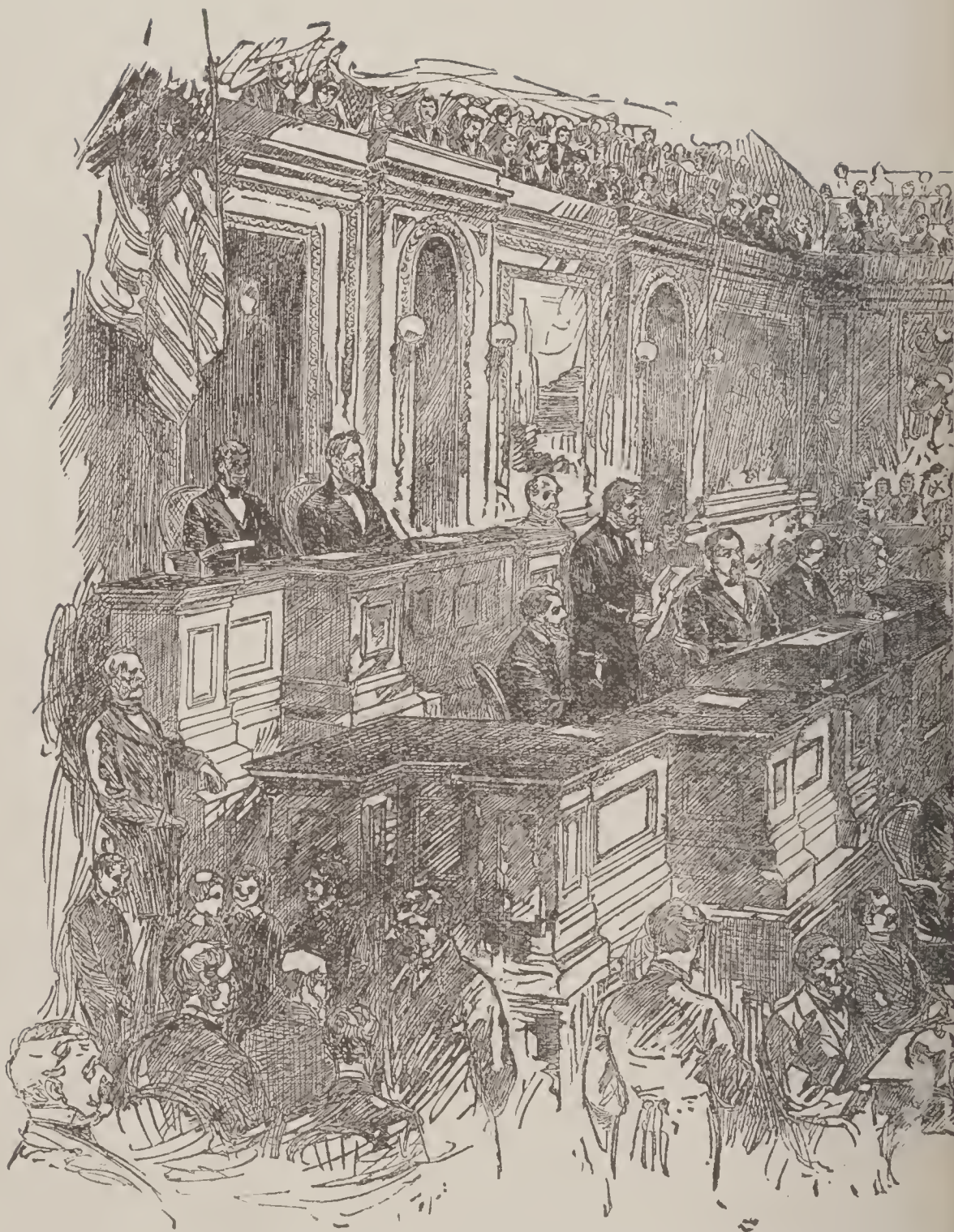
He then proceeded to open and hand to the tellers the votes of the Electors of the several States for President and Vice-President, commencing with the State of Maine. Senator Sherman read in full the certificate of the votes of that State (and the certificate of the Governor as to the election of the Electors), which were seven for Ulysses S. Grant, of Illinois, for Presi-

dent, and seven for Henry Wilson, of Massachusetts, for Vice-President. Then Mr. Dawes read the certificate of the votes of the State of New Hampshire, and so they continued, each teller reading in turn. When the votes of the State of Mississippi were reached, Senator Trumbull objected to their being counted, for the reason that the certificate did not show that the Electors of that State had voted "by ballot" as required by the Constitution. Representative Potter also objected, on other grounds, to their being counted, and an objection being made by Representative Hoar to the counting of three of the electoral votes of Georgia, the Vice-President said :

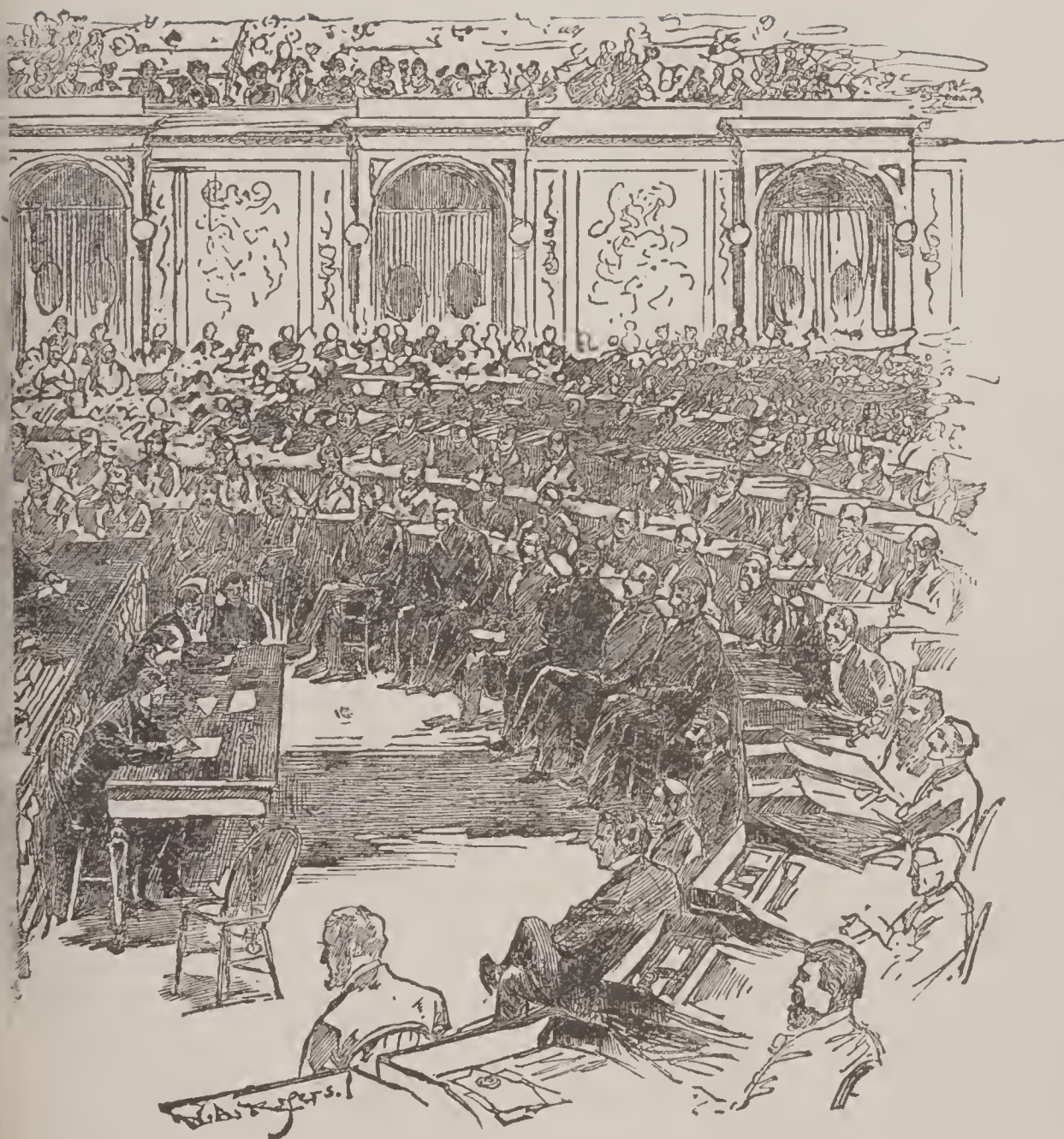
"Three questions having arisen in regard to the counting of the votes for President and Vice-President, the Senate will now withdraw to their Chamber."

Thereupon we reorganized in procession and marched out of the Hall in as pompous a manner as we had entered it an hour before. Upon reaching the Senate-chamber, the Vice-President called the Senators to order, and they at once began to discuss the objections made, the House in the meantime, as soon as we had retired from its Hall, having begun to do the same thing. After discussion, and when the Senators had passed resolutions setting forth their decisions upon the matters, the Secretary was notified to inform the House that the Senate was ready to proceed with the count. In a little while the Clerk of the House appeared and stated that the House had also reached a conclusion ; whereupon we formed into line for a third time and re-entered the Hall of the House at thirty-five minutes past three o'clock. (I take this time-record from the *Globe*.)

The Vice-President resumed the chair, and stated the result—that both Houses agreed to the counting of the electoral votes of the State of Mississippi, and that the same would be counted, but that as to the three votes of the State of Georgia there was



Counting the Electoral Votes



ond Wednesday of February, 1873.

a disagreement between the Houses, and that therefore those votes would not be counted.

The tellers again went to work, but another point of dispute appeared when the votes of Texas were announced. Objections being made, the Senate again retired in a body, reaching its Chamber at four o'clock and twenty-four minutes P.M. After discussion as before by both Houses, and a conclusion having been arrived at by each, in about half an hour we again, and for the fifth time, organized in procession and re-entered the Hall of the House. The Vice-President announced that both Houses agreed to the counting of the votes of the State of Texas, and the same were accordingly counted. Then the tellers proceeded as before until objections were made to the electoral votes of Louisiana and Arkansas, when we again retired to the Senate-chamber, and entered into a discussion lasting about an hour and a half. Meanwhile, the shadows of night had begun to creep around the building, and, while we were straining our eyes in the gloaming, the Chamber was illuminated by a sudden flash from the electric wires above. Well, we finally came to a decision, and returned to the Hall (which, together with the rotunda, had also been lit up) "at seven o'clock and forty-five minutes P.M.," according to the account given by the House reporters in the *Globe*. The Senate reporters, in the same official record, state that we did not leave the Senate-chamber on our return march to the House until "seven o'clock and forty-six minutes P.M." You will thus observe that, by a peculiar legislative magic, we arrived at the Hall just one minute before we actually started to go to it.

The Vice-President stated the decision. Both Houses agreeing to reject the votes of Louisiana, and there being a disagreement as to the votes of Arkansas, the electoral votes of the two States were not counted. All the certificates having been opened, the tellers were instructed by the Vice-President to announce the

result of the vote. Senator Sherman complied with the direction of the Vice-President, reading in detail the votes as cast by the Electors of each State that were ordered to be counted. This done, the Vice-President addressed the joint convention :

“ The whole number of Electors to vote for President and Vice-President of the United States, as reported by the tellers, is 366, of which the majority is 184. Of these votes, 349 have been counted for President, and 352 for Vice-President of the United States. The result of the vote for President of the United States, as reported by the tellers, is, for Ulysses S. Grant, of Illinois, 286 votes ; for B. Gratz Brown, of Missouri, 18 votes ; for Thomas A. Hendricks, of Indiana, 42 votes ; for Charles J. Jenkins, of Georgia, 2 votes ; and for David Davis, of Illinois, 1 vote. The result of the vote, as reported by the tellers, for Vice-President of the United States is, for Henry Wilson, of Massachusetts, 286 votes ; for B. Gratz Brown, of Missouri, 47 votes ;”—referring also to straggling votes given for seven other persons for Vice-President.

“ Wherefore,” continued the Vice-President, slowly and with great solemnity, “ I do declare that Ulysses S. Grant, of the State of Illinois, having received a majority of the whole number of electoral votes, is duly elected President of the United States for four years, commencing on the 4th day of March, 1873 ; and that Henry Wilson, of the State of Massachusetts, having received a majority of the whole number of electoral votes for Vice-President of the United States, is duly elected Vice-President of the United States, for four years, commencing on the 4th day of March, 1873.”

And, after a pause, he added :

“ The object for which the House and Senate have assembled in joint convention having been accomplished, the Senate will retire to its Chamber.”

Thereupon, at about eight o'clock, amid a deafening thunder

of applause and uproar, we slowly left the Hall. Cheer upon cheer for the men thus declared elected to the highest offices in the gift of the Republic rent the air—cheers in which all joined, Senators, Representatives, officers, and spectators. It needed only the firing of a hundred cannon, the blare of a brass band, and the “swish” of a few sky-rockets, to render the demonstration truly American.

The Speaker resumed the chair and again called the House to order, but the noise was so great that business was impossible, and, almost immediately, that body adjourned for the day. Upon returning to our deserted Chamber, a resolution was adopted by which Senator Sherman was appointed to join such committee as might be appointed by the House, to wait upon the gentlemen who had been elected President and Vice-President, and inform them of their election. And then, being too demoralized to transact further business, at eight o'clock and seven minutes P.M. the Senate adjourned.

L. of C.

CHAPTER XI.

CLOSE OF A CONGRESS.

When the Government gets its fingers around any money, it closes them with the grip of a giant. It goes on peacefully collecting millions of dollars, but not a cent will it expend unless Congress so declare in form of law. This rule is inexorable. No matter how just may be the claims upon its Treasury, however great may be the necessity of its creditors or urgency of its own wants—it cannot buy a loaf of bread to keep the pangs of hunger from its own door. It is as helpless as a shipwrecked millionaire floating aimlessly about in mid-ocean on a broken spar. All that it can do is to balance its bank account—and wait for help. As Congress has the sole right to say what money shall go into the national vaults, so it has the sole right to say what, if any, shall come out. It holds the purse-strings of the Treasury, and it, alone, can loosen them when it may see fit.

The enormous running expenses of the Government, and the current obligations, such as pensions, which it has assumed, must therefore be provided for by Congress. This is done by the yearly enactment of what are styled the General Appropriation Bills—more than twelve in number. The Legislative, Executive, and Judicial Appropriation Bill relates to the pay of members and employés of the Congress ; of the President, and the officers and clerks of executive departments ; of the judges of the Federal courts, and various incidental expenses. The

Army, the Navy, the Diplomatic Service, the Indians, these and other subjects are each provided for by separate bills, and various odds and ends go into the Sundry Civil Bill. These laws provide for the service only during a single "fiscal year," beginning on the first day of every July, and as they cease to operate upon June 30th following, the failure of Congress to furnish these annual supplies would seriously embarrass public affairs. The President, the judges, the thousands of other officers, civil, military, and naval—the law-makers themselves—would have to go without their pay, and the noble Indian might become nervous and unearth the hatchet! As the Congressmen are not very good fortune-tellers, there is invariably a huge General Deficiency Bill each year to meet expenses unprovided for by the appropriation laws of the preceding year, and, to provide for needs of the service requiring immediate attention, it is often necessary to pass an Urgent Deficiency Bill which goes into effect at once upon its passage, thus rendering the funds appropriated by it immediately available.

On account of the importance of these bills, they are given precedence over all other measures as matters of privilege, and from the time they are reported by the House committees which attend to their preparation,* they absorb the attention of each body almost daily during the remainder of the session. When the last appropriation bill is passed and out of the way, and the Government is thereby enabled to support itself for the coming year, the average Congressman thinks it time to go home, and so Congress generally then adjourns, often to the serious neglect of other matters of moment pending in

* The House, with the acquiescence of the Senate, has long exercised the right to originate these bills. A spirited contest, growing out of the deadlock on the Naval Bill, has been recently (1884-85) waged between the two bodies of Congress respecting this usage, or right. The House now claims that it is a constitutional power, conferred by the provision as to "revenue" measures, and that the inclination of the Senate to introduce appropriation bills is unmitigated usurpation.

either House. This remark applies only to the long sessions of Congress, for the short sessions must end on March 4th, and are so very brief that even the appropriation bills sometimes suffer in the rush and hurry of legislation.* Much as some law-makers like to talk, they must look for a more favorable opportunity than when an appropriation bill is under consideration, for then, to economize time, the five-minute rule and other provisions limiting debate are rigorously enforced in each House.

As the Forty-second Congress was to terminate on March 4, 1873, both Houses became very industrious after the counting of the electoral votes in February. When the general appropriation bills were not under consideration, each House occupied itself much of the time with the calendar; † and private and various classes of unobjectionable bills were passed by the wholesale, as rapidly as the Clerk could read them and the presiding officer could put the necessary formal questions.

And I may here tell you another interesting fact, explaining the cause of all this haste. When a Congress expires on a fourth of March, all the bills and other matters left undisposed of become absolutely dead. The next Congress enters upon its work of legislation with a new and clear record and with hands quite free; old bills must either *stay* dead, or be re-introduced and go through the customary stages of examination in order to become laws. Some people know this to their sorrow. I still recognize bills that have been in Congress for years. Some of them would pass one House and get through

* So great has grown the evil of hasty legislation, that thinking men realize that both the long and the short sessions of Congress should be extended, by fixing the time of meeting earlier than December, and a bill to achieve this purpose was recently introduced in the Senate and is now pending.

† The "calendar" is a list of measures ready for action, upon which, unless otherwise ordered, bills and resolutions are placed, when properly reported, to be taken up and considered in their order.

the other just on the eve of the dissolution of a Congress, but too late to get the approval of the President ; and they would have to begin over again in the next Congress, and probably not be able to do more than pass one House. To expedite legislation, the President always went to the Capitol during the closing hours of a session, accompanied by his Cabinet, private secretary and clerks, occupying a room set apart for his use near the Senate-chamber. As fast as Acts of Congress were submitted to him, he considered them, and his private secretary notified the House or the Senate of his action concerning them, thus saving much time.

Well, as I have said, we were in the dying days of a Congress, and that you may form an idea of the labor of the Senate at that period, I will give you a few statistics upon the subject.

Let us begin with the last week in February of that year. The Senate met at eleven o'clock on the morning of Monday, the twenty-fourth of that month. It remained in session until five o'clock in the afternoon, when a recess was taken until seven o'clock. After re-assembling, it sat until forty-six minutes after eleven o'clock at night. (Nearly eleven hours of actual work.) The Senators evidently obtained a tolerably good night's rest, for they were again on hand at eleven o'clock, Tuesday morning, ready for business. They sat until five, took a recess for two hours, adjourning at fifty-five minutes past ten. (About ten hours of work.) On Wednesday, the twenty-sixth, they assembled at eleven, took a recess from five to seven, and adjourned at twenty-four minutes after twelve o'clock. (Eleven hours and a half of work.) Thursday, the Senate again convened at eleven, took the usual recess, and continued in session all night long, adjourning at fifty-five minutes past seven o'clock, Friday morning, to meet at one o'clock the same day. (A session of eighteen hours and three-quarters, not counting the recess.) It met at one o'clock on Friday afternoon, took a recess

at five o'clock for only half an hour, adjourning at twenty minutes past one o'clock at night. (About thirteen hours of severe mental application.) On Saturday, March 1st, it met at eleven o'clock, at five a recess was taken until seven in the evening, at seven it re-assembled and remained in session until twenty minutes past four o'clock Sunday morning, when it took another recess until seven o'clock that evening. Many of the Senators were opposed to sitting on Sunday but the majority considered it absolutely necessary. So, at seven o'clock (when the pages would otherwise have been preparing to go to evening church), they were again called to order, continuing their deliberations until fifteen minutes after twelve o'clock Monday morning, March 3d, adjourning to meet again that morning at ten o'clock instead of eleven. These twenty hours and thirty-five minutes of work, although made up of parts of three different days, all belonged to the session of Saturday. This session constituted a "legislative" day, and you thus see that a legislative day may really consume several of our ordinary days. It is rather confusing to talk of the proceedings of Monday morning, March 3d, as the proceedings of Saturday, March 1st, but that is the way it appears in the record.

Well, at ten o'clock on Monday, March 3d, the Senate began its last day's session, that was destined to contain nineteen hours and a half of solid labor. At five o'clock a recess was taken until seven. Upon re-assembling, all were indeed kept busy. The members of the House were working equally hard in the passage of bills, the Clerk of that body appearing in the Senate every few minutes with a large roll of paper and parchment, and announcing its progress in the business of making laws. No one slept that night. Each moment was precious, nearly every Senator struggling with might and main to secure the consideration of this or that bill in which his constituents were interested. Thus it continued all night, and at

five o'clock on the morning of Tuesday, March 4th, we took a recess for four hours and a half.

When we re-assembled, it seemed as if a magician had been at work in our absence. The Senate-chamber was filled with chairs, one being placed wherever there was space to hold it. A stream of humanity was applying for admission to the building, the doors of which were closed and guarded by officers. Finally, when the doors were opened, and those who had printed passes were allowed to enter, the crowd was so great that the galleries overflowed and the corridors became packed with people. Evidently, something unusual was about to happen.

But the proceedings of the Senate went on as busily as ever, although we had to wait a few minutes for a quorum of Senators to appear. Some of them had become exhausted and had probably overslept themselves.

Very soon, distinguished officers of the Army and Navy, in full uniform, began to drop in quietly and take seats in the rear of the Senators' desks. At about half-past eleven o'clock, Captain Bassett announced the arrival of the Diplomatic Corps, and a long line of foreign ambassadors filed in, headed by Blacque Bey, the Turkish Minister, and "dean," or senior member, of the Corps. They were assigned to seats on the Democratic side of the Chamber. They were all in court dress—dark-colored trousers with gold bands down the outer seams; coats glittering with bright buttons, lace, and gold trimmings, each ambassador wearing a military hat, and a small straight sword like those worn by men of the upper ranks a century ago. Shortly afterward, in walked the Chief Justice and the Associate Justices of the Supreme Court of the United States, in their sombre magisterial robes.

Meanwhile, there were goings-on outside of the Capitol that would have interested my young readers. A monster procession was advancing like a conquering army. There

were soldiers on horseback and soldiers on foot—artillery, cavalry, and infantry; horses dragging huge cannon, and horses dragging huge fire-engines; carriages containing men in uniform, and carriages containing men in citizens' attire; a platoon of mounted police, and a battalion of marines who walked; large bodies of men belonging to State militia, and large bodies of men belonging to civic and secret organizations—with and without the paraphernalia of their orders; cadets from the Military Academy at West Point, and cadets from the Naval Academy at Annapolis—the former dressed in gray, the latter in blue; and at distances of every one or two hundred feet were brass-bands:—all forming one mass that filled the wide thoroughfare of Pennsylvania Avenue—with flags and banners all around, raised aloft by people in the procession, and floating from the windows and tops of houses; the air vocal with martial music, each band braying a different tune at the same time; and from every direction, on the sidewalks, accompanying this procession, on intersecting streets, and on all the avenues centering at the building, came thousands and thousands of human beings—men, women, and children;—while everywhere, as far as the eye could reach, were boys, boys, boys, of all sizes and colors, “some in rags, some in tags, and some in velvet gowns.” All marching toward the Capitol!

To return to the Senate. In the course of its proceedings, one of the Senators, according to custom, offered a resolution, which was unanimously adopted, tendering thanks to Vice-President Colfax for the manner in which, during four years, he had discharged his duties as presiding officer of the Senate. As this resolution was read by the Clerk, a feeling of sadness swept over us all at the thought that soon the terms of many of the Senators would expire, and that we would have to part with some of them—perhaps forever.

But we were too busy to stay sad. Another resolution was

offered and adopted, by which Senators Conkling and Trumbull were appointed a committee to join a similar committee of the House to wait upon the President of the United States, and inform him that, unless he had some further communication to make, the two Houses of Congress, having finished the business before them, were ready to adjourn. Considerable business was done, however, after the appointment of the committee. Finally it returned, and Senator Conkling stated that, having called upon the President, the committee had been informed by him that he had no further communication to make.

After the lapse of a few minutes, Vice-President Colfax arose, and, stating that the hour had arrived for the dissolution of the Forty-second Congress, proceeded, with considerable emotion, to deliver a farewell address to the Senate. During the delivery of this address, the hands of the clock reached the hour of twelve. Captain Bassett went to it and, mounting a ladder, turned back the longer hand a few minutes. This was a harmless trick that I have often since seen played, the minute-hand being sometimes set back as much as half an hour. The Senators and the Vice-President always look innocently some other way while it is being done, as if unconscious of the act. But everyone else smiles at this subterfuge to gain time, and I think the Senators themselves smile inwardly.

Continuing his speech for a short while, the Vice-President concluded :

“ But the clock admonishes me that the Forty-second Congress has already passed with history ; and wishing you, Senators, useful lives for your country and happy lives for yourselves, and thanking you for the resolution spread on your Journal, and invoking the favor of Him who holds the destinies of nations and of men in the hollow of His hand, I am ready to administer the oath of office to the Vice-President-elect, whom I now introduce.”

Vice-President-elect Wilson at once came forward, amid a burst of applause, and from the Secretary's desk made a brief address ; and the oath of office was administered to him by the retiring Vice-President, who then, in a firm and clear voice, said :

“ The time for the expiration of the Forty-second Congress having arrived, I declare the Senate of the United States adjourned *sine die*.” *

Whereupon he gave a sharp knock with the gavel and descended from the chair. With the sound of the gavel, his power as Vice-President of the United States vanished into air ; but before the echo died away, Vice-President Wilson had ascended the steps and seized the gavel, and, dealing the desk a vigorous blow, he exclaimed : “ The Senate will come to order ! ”

And the instant that elapsed between the two descents of that little piece of ivory, marked the death of one Congress and the birth of another !

* “ *W. l. t day* ”—that is, without naming a definite day for re-assembling. Every Congress, by constitutional limitation, must come to an end on the 4th of March ; but these words are used upon the final adjournment of every session of either body, in which case it is understood that the body will re-assemble on the first Monday of the following December *unless sooner convened* by proclamation of the President. The House, for instance, did not meet again that year until December. The Senate *immediately* entered on a *special session*, having been convened by a proclamation of President Grant.

CHAPTER XII.

AN INAUGURATION.

Vice-President Wilson, having taken the chair, directed the Secretary to read the proclamation of the President convening a special session of the Senate. As you may wish to know what the proclamation looked like, I shall give it here in full :

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at twelve o'clock on the fourth of March next, to receive and act upon such communications as may be presented to the part of the Executive :

Now, therefore, I, Ulysses S. Grant, President of the United States, have considered it to be my duty to issue the following proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene for the transaction of business at the Capitol in the city of Washington, on the fourth day of March next, at twelve o'clock at noon on that day, of which all who shall at that time constitute members of that body are hereby required to take notice.

Given under my hand and the seal of the United States at Washington, the twenty-first day of February, in the year of our Lord one thousand eight hundred and seventy-three, and of the Independence of the United States of America the ninety-seventh.

[Great seal of the United States.]

By the President :

U. S. GRANT.

HAMILTON FISH,

Secretary of State.

The Secretary then read the names of the newly-elected Senators—eight of the old members being re-elected, and fifteen of

the incomers being new members. As their names were called, those who were present advanced to the Vice-President's desk, where the oaths of office were administered to them. After the swearing-in, the roll of the Senate was called, and it appeared that sixty-four Senators were in attendance.

Here the arrival of the President of the United States was announced, and, escorted by Senators Cragin, Logan, and Bayard, of the Committee on Arrangements, he was shown to a seat immediately in front of the Secretary's desk, the members of the committee being seated on either side. His Cabinet followed and took seats near by, facing the Vice-President. As this party entered, scores of prominent officials and guests swarmed into the room. The House of Representatives had adjourned *sine die* at twelve o'clock. The members of that House, and many of those elected to the next, added to the throng, the chairs were rapidly filled, and many persons were obliged to stand.

A procession was then ordered by the Vice-President to form as follows:

The Marshal of the Supreme Court.

Ex-Presidents and ex-Vice-Presidents.

The Supreme Court of the United States.

The Sergeant-at-Arms of the Senate.

The Committee of Arrangements.

The President of the United States, the President-elect.*

The Vice-President and the Secretary of the Senate.

The members of the Senate.

The Diplomatic Corps.

Members of the Cabinet and the Solicitor-General.

Ex-members of the House of Representatives, and members-elect of the Forty-third Congress.

* As President Grant had been re-elected, the "President of the United States" and the "President-elect" were, at the ceremony which I am describing, one and the same individual.

Governors of States.

Officers of the Army and Navy.

Other persons admitted to the floor of the Senate-chamber and to the reserved seats at the left of the Diplomatic Gallery.

The column soon began to move, and would have been truly formidable in its appearance—with so many law-makers and dignitaries of the Government, not to speak of the sworded diplomats, and the officers of the Army and Navy—had it not been for the ladies who joined it. Their presence, in gay creations of fashion, and their laughter and talking, utterly prevented that impressive and ferocious effect which I had hoped to see produced, and to increase which I had joined the ranks, enveloped in wrappings that completely concealed all of me except my two eyes.

Reaching the rotunda, we turned to the left and proceeded to the platform erected over the east and central steps of the Capitol. And there before our view was the mass that had been congregating during the morning—the cannon and fire-engines, horses, flags, and banners, jumbled together, in grand confusion, with the soldiers and citizens.

Advancing to the front of the platform, General Grant, with uncovered head, began to read an address. I do not suppose one person in a hundred on the stand heard a word he said. I managed—*how* I cannot say—to get a position within a few feet of the speaker, and yet heard very little of his speech. What, then, could have interested that vast concourse assembled there, braving the inclement weather, and beyond the sound of the speaker's voice? Perched in the trees in the opposite park, like squirrels and monkeys, were the boys—“the woods were full of them.” That was all right, for I would have been there myself had I not been on the grand stand. The actions of small boys, as you know, do not require, indeed do not permit explanation; they are sometimes incomprehen-

sible even to the boys themselves. I could understand why the soldiers were there, because they had probably been ordered to be there, and had obeyed the demands of military duty. The cannon, flags, and other inanimate and irresponsible things were, of course, not to be criticised. But I wondered what it was that had brought out so many old and young men—American citizens—not to speak of the women. It was a bitter cold day, the piercing wind every now and then hurling into their faces clouds of dust. Yet there they had stood patiently waiting for hours, regardless of the cold, each wedged fast in the surging, suffocating crowd, treading on one another's feet, jostling one another's elbows, and enduring pain generally. What could have been their motive? Surely not to hear. Was it to see—to see a thousand people, as miserably cold as themselves, stand, motionless, for a few minutes upon a board platform, decorated with bunting, while another man moved his lips apparently in speech? Yes, we have guessed it. That was what it actually amounted to. But, theoretically, it would be stated differently—it was to see a fellow-countryman formally assume the important trust of President of the United States. It was mingled curiosity and patriotism on the part of the populace; and, on the part of General Grant, this public ceremony was proper as an acknowledgment of the power and supremacy of the people who had again raised him to that exalted office.

Concluding his address with expressions of gratitude for the honor conferred upon him, he turned to the Chief Justice, Chase, took the oath prescribed by the Constitution,* and, hav-

* The constitutional provision is as follows:

“ Before he enters on the execution of his office he shall take the following oath or affirmation :—

“ ‘ I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.’ ”

ing kissed the open Bible, he bowed to the multitude. It was finished. A President had been inaugurated for the twenty-second time in the history of the Union.* As a hundred thousand throats vociferated their cheers, the persons on the platform dispersed, the Senate returning to its Chamber to resume the session so strangely interrupted. The military and civic procession reorganized, and, receiving into its line the carriage which the President had entered, drawn by four mouse-colored horses, it resumed its march, and, amid the booming of guns, the ringing of bells, and the huzzas of the people, it escorted him in triumph to the Executive Mansion—his residence for another term of four years, as the Chief Magistrate of the greatest and mightiest Republic in the world!

* This second inauguration of General Grant is recorded as the twenty-second, reckoned by Presidential terms of four years. He was, however, the eighteenth President—Washington, Jefferson, Madison, Monroe, Jackson, and Lincoln, each having been elected to a second term; and Tyler, Fillmore, and Johnson, succeeding, as Vice-Presidents, to the chair made vacant by the death of Harrison, Taylor, and Lincoln, respectively. President Cleveland is thus the twenty-second Executive of the United States.

CHAPTER XIII.

A LEAF OF HISTORY.

Before fairly starting on this narrative we took occasion to briefly examine the theory or philosophy of government in general and of the Government of the United States in particular. We have now reached a stage where we may well pause to consider, with more careful reference to facts, and even at some danger of repetition, the several historic steps by which our present Government was established.

With certain details you are familiar. You know that the Atlantic coast was settled by Colonies, bound by ties of allegiance to the British Government ; that taxes were levied upon the people of the Colonies without their consent, and that other wrongs were inflicted by the rulers who lived across the ocean ; that the people had no voice in the British Legislature, or Parliament, to oppose these invasions of their rights ; and that, after patience and petitions and prayers had proved unavailing to correct these abuses and secure justice, they were forced to take up arms and fight for liberty and independence.

Of course, every young patriot knows all about the origin of the Declaration of Independence ; of the struggles and privations endured, the obstacles overcome, by our forefathers ; of the noble zeal of the statesmen representing the people in the Continental Congress ; of the achievements of our battle-heroes both on land and on sea. From Lexington to Yorktown, you

can easily follow the course of war. Upon these matters I need not dwell.

If we go into history, we shall find that the first American Congress for united opposition to the unjust measures of the British Government met at New York, on October 7, 1765, and consisted of committees from nine of the Colonies. The *Stamp Act* and other grievances were warmly discussed, but that it was not a rebellious or traitorous assembly is evident from the stated object of the meeting :

To consult together on the present circumstances of the colonies, and the difficulties to which they are, and must be, reduced by the operation of the acts of Parliament from levying duties and taxes on the colonies ; and to consider of a general and united, dutiful, loyal, and humble representation of their condition to his Majesty, and the Parliament, and to implore relief.

The odious *Stamp Act* was repealed : but, other grievances continuing, a second Congress met in Philadelphia, September 5, 1774, in the proceedings of which delegates from twelve of the Colonies participated. This Congress adjourned on October 25th of that year, but, before doing so, declared that another Congress should be held May 10, 1775, " unless the redress of grievances which we have desired be obtained before that time."

The efforts of the king to prevent another Congress are historic facts. It is also a recorded fact that, despite the royal prohibition, the representatives of the people *did* meet again and at the exact date designated. This assembly was the great " Continental Congress " which immortalized itself by the Declaration of Independence, issued July 4, 1776. It convened in Philadelphia and continued in session until 1781. Changes in the delegates of the various Colonies occurred during that time, by reason of deaths and from other causes, but it was not

until the Confederation was formed that annual elections to its membership were had.

It should be remembered that, up to this time, the people had, as *loyal subjects*, been *remonstrating* with the British Government. They now determined to beg no more, but to assert their natural rights as *men* and sever the bonds of political allegiance altogether. While the Declaration of Independence was under consideration in Congress, but before final action upon it, a resolution was passed which clearly shows the bent of the public mind. The resolution bears date June 11, 1776, and is as follows :

Resolved, That a committee be appointed to prepare and digest the form of a confederation to be entered into between these colonies.

The committee performed the labors assigned to it, and on November 15, 1777, "Articles of Confederation and Perpetual Union" were approved by Congress and submitted to the Colonies for their adoption. Those Articles, as agreed to by the Colonies and signed by their authorized delegates, are dated July 9, 1778, but they were not adopted by all until March 1, 1781. On the following day, March 2, 1781, the first Congress under the new arrangement convened.

This Confederacy, so entered into, was given the name of "The United States of America," but the States comprising it were like so many nations. They did nothing more than—

Enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare ; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

And, in order that there should be no misunderstanding, they prefaced this statement with the following :

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

This announcement sounds like mockery. For what "powers," what "jurisdictions," what "rights" did the Articles delegate? Absolutely none! The only tribunal provided for was a Congress (known to us by various names, but chiefly as the "General Congress" or "Congress of the Confederation"), consisting of one House, in which each State was entitled to be represented by not less than two nor more than seven delegates, with the right, however, of but one vote in the determination of questions presented for the action of the body. There was no executive, no judiciary, in short no actual power anywhere in this queer contrivance which some folk called a "general government." And, to complete its oddity, the functions given to Congress itself were so feeble as to render that institution of no value whatever. It could give its "consent" to certain measures which might be proposed by the States, it could do other things only with the "consent of the States (or of not less than nine of the thirteen), and it could deliver its opinion as a referee in disputes between States

But power to enforce such measures or decisions, the Articles did not confer, and, therefore, the General Congress did not possess.* The delegates could talk upon a question, and give their views as to what *ought to be done*, but when it came to carrying out those views, they were about as useful and as helpless as the members of a debating club, who shout and screech for hours upon some great question of human liberty and happiness, after which they take a vote out of pure curi-

* The legislative form used by the Old Congress was that of an *Ordinance*, beginning, "*Be it ordained by the United States in Congress assembled.*" The most famous of its ordinances is the "Ordinance of 1787," for the Government of the Northwest Territory.

osity and to while away further time, and then adjourn. Congress could give advice ; but the States were at liberty either to observe, or, if they chose, to disregard and sneer at the suggestions offered—and whenever it involved payment of money out of their pockets, they sometimes were inclined to sneer.*

Their feelings were those of human nature. The people of each State had declared themselves free and independent ; they had had enough of fealty to a superior power ; they resolved to be their own sovereigns and govern themselves. It was, therefore, but natural that they should have been disinclined to create a General Government, armed with wealth and power, that might also be made to wield some day the sceptre of tyranny and oppression and crush out the independence of the States and the lives and liberties of the people. They had writhed under the lash of a “ king ”—they did not wish to establish a “ system ” that might eventually become a worse despotism than that which they had escaped.

A harmless and worthless arrangement, however, was this Alliance, and the upshot of the whole matter was, that Congress advised that a convention of delegates, to be appointed by the States, should be held at Philadelphia on May 14, 1787, to suggest some “ remedy ” (to quote the words of the resolution) for the “ defects ” ; and the representatives were accordingly chosen, and assembled on the 25th—eleven days later than the time fixed.

The province of these delegates was merely to revise the Articles of Confederation, and report to Congress and the various State legislatures their opinions. But after a brief deliberation they came to the conclusion that it would be better to construct

* As evidence of this fact, it may be noted that \$300,000,000 of paper money, issued by the Continental Congress, upon the credit of the States, for carrying on the war, and which the people, under penalty of being declared “ traitors,” were compelled to take as the equivalent of gold and silver, were practically repudiated by the States and allowed to “ die in the hands of their possessors.”



Washington on the Way to His Inauguration.

an entirely new contrivance, vested with complete powers. In other words, they resolved, on May 29th: "That a *national government* ought to be established, consisting of a supreme legislative, executive, and judiciary."

With that in view, they began their work, and—though many of them still feared they were jeopardizing their liberties in the undertaking—steadily kept at it until finished. It was a memorable event—that gathering of free and independent States, quietly arranging to merge their own sovereign rights into one mighty authority, protective, general, central, and supreme—the grandest spectacle, as has been said, recorded in the history of the world!

Washington was selected to preside over this great Constitutional Convention. Finally, and upon September 17, 1787, after a consultation of four months, it forwarded its report, and presented to the Congress of the Confederation the form of "a more perfect Union" and Government for that Union. This was the *Constitution*, and it was speedily transmitted by Congress to the various State legislatures, "in order to be submitted to a convention of delegates chosen in each State by the people thereof."

It is needless here to speak of the ordeal of criticism that it underwent in the State conventions. Eleven of the thirteen States having given their assent, in the mode of formal ratifications,* the new Union and Government came into existence and the First *Constitutional* Congress of the United States assembled in the City of New York on March 4, 1789, pursuant to a resolution of the *Old Congress* of the Confederation.†

* The remaining States (North Carolina and Rhode Island) added theirs later on.

† This resolution was passed on September 13, 1788, and provided "that the first Wednesday in March next be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution." As the Government did not really get started until April 30th, it has been proposed that the Constitution be amended, so that Congresses and Administrations shall begin on that date instead of on March 4th.

I say that the First Congress "assembled" on that day. As a matter of fact merely a few members appeared. Only eight Senators and but eighteen Representatives were on hand—not enough, in either House, to transact business. It was more difficult to obtain the attendance of the absentees—especially the Senators—than it is nowadays to get them to the Capitol on a wintry night. However, the House, on April 1st, and the Senate on the 6th, secured a quorum, and both immediately met in joint convention (on the day last named) and counted the electoral votes previously cast for President and Vice-President. This performance resulted in declaring George Washington and John Adams duly elected to the respective offices for the first term ; and special messengers, appointed by the Senate, were promptly despatched to convey the formal notifications of election. On the 21st of April, Mr. Adams was, with proper courtesies, received by the Senate and "introduced to the Chair ;" and on the 30th, General Washington, whose journey to New York from his beautiful country-seat on the banks of the Potomac had been one grand continuous ovation, was inaugurated as President of the Union.

Congress then met in a building on Wall Street. The site is now occupied by one of the sub-treasuries of the Government. Upon its entrance-steps a statue of heroic size perpetuates in bronze the memory of that day. The statue is of Washington—the stone upon which it stands is that on which he stood one hundred years ago and took the oath.

CHAPTER XIV.

ARMS AND INSIGNIA.

Having thus inducted into office the President of the Republic, our first law-makers patriotically began at once to organize and equip the various branches of the governmental service, and otherwise meet the intentions and requirements of the Constitution.

The first measure that became a law bears date June 1, 1789, and provides for the swearing-in of Congressmen and divers Federal and State officials. Obviously, the next thing in order was to arrange for defraying the expenses of the new Government. To promptly answer this necessity, Congress adopted the simplest and readiest method that presented itself. We, therefore, find that the second piece of legislation was a tariff act, levying duties on imports; and that the third was also a revenue law imposing what are known as "tonnage duties" on merchant ships. Then followed various enactments, establishing certain executive departments, and furnishing them with clerks and other assistants. They also passed the important "Judiciary Act," which created a system of Federal courts, thus organizing the third coördinate department of the Government, and putting into operation the mighty machinery of national law and justice. And thereupon, after the passage of several bills, fixing the compensation of public officers (of course, not neglecting their own), drafting and submitting to the States a series of Amendments to the Constitution, and attending to some odds and ends of business, the law-makers of the First Con-

gress brought their first session to a close, and, on September 29, 1789, adjourned to meet again on January 4, 1790.

Their action in one other respect should be noticed. It was eminently fitting that the work of Omnipotence, in bringing the people of the country through their many perils safe in harmony and union and under the shelter of a Federal Government, should have been acknowledged. It is also but proper that the people should still return their thanks for the many blessings which He continues to bestow upon them both as individuals and as a nation. The ceremony of offering thanks to God for bountiful harvests and other favors enjoyed by man was observed long before the framing of the Constitution. The Pilgrim Fathers set the example to us ; but, although occasionally observed by our Government in the past, it dates, as an established custom, only from the time of Lincoln, the day being designated by annual proclamations of the President.* That of President Washington (which recites the action of the First Congress) is especially instructive. I give it as originally published :

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

WHEREAS it is the Duty of all Nations to acknowledge the Providence of Almighty GOD, to obey his Will, to be grateful for his Benefits, and humbly to implore his Protection and Favor : And whereas both Houses of Congress have, by their Joint Committee, requested me
“ To recommend to the People of the United States a Day of public
“ Thanksgiving and Prayer, to be observed by acknowledging with
“ grateful Hearts the many and signal Favors of Almighty GOD, es-
“ pecially by affording them an Opportunity peaceably to establish a
“ Form of Government for their Safety and Happiness : ”

NOW, THEREFORE, I do recommend and assign THURSDAY, the Twenty-sixth Day of NOVEMBER next, to be devoted by the People of these States

* The Governors of States generally follow the lead of the President in this matter, and the proclamations are published in the leading journals of the country. The last Thursday of November is the favored day.

to the Service of that great and glorious Being, who is the beneficent Author of all the good that was, that is, or that will be : That we may then all unite in rendering unto him our sincere and humble Thanks for his kind Care and Protection of the People of this Country previous to their becoming a Nation ; for the signal and manifold Mercies and the favorable Interpositions of his Providence in the Course and Conclusion of the late War ; for the great Degree of Tranquillity, Union, and Plenty which we have since enjoyed ; for the peaceable and rational Manner in which we have been enabled to establish Constitutions of Government for our Safety and Happiness, and particularly the National one now lately instituted ; for the civil and religious Liberty with which we are blessed, and the Means we have of acquiring and diffusing useful knowledge ; and, in general, for all the great and various Favors which he hath been pleased to confer upon us.

AND, ALSO, That we may then unite in most humbly offering our Prayers and Supplications to the great Lord and Ruler of Nations, and beseech him to pardon our national and other Transgressions ; to enable us all, whether in public or private Stations, to perform our several and relative Duties properly and punctually ; to render our national Government a Blessing to all the People, by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed ; to protect and guide all Sovereigns and Nations, (especially such as have shewn kindness unto us,) and to bless them with good Government, Peace, and Concord ; to promote the Knowledge and Practice of true Religion and Virtue, and the Encrease of Science among them and us ; and, generally, to grant unto all Mankind such a Degree of temporal Prosperity as he alone knows to be best.

GIVEN under my Hand, at the City of New York, the third Day of October, in the Year of our Lord One Thousand Seven Hundred and Eighty-nine.
G. WASHINGTON.

During their second and third sessions, the members of the First Congress established the permanent seat of Government at the city of Washington, in the District of Columbia ;* attended to banking and currency questions ; arranged for the

* The struggle over this question had been started some years before, under the Confederation, and was fiercely continued by the First Congress, members from various sections contending for different localities. The present location was agreed upon as a " compromise," but actual possession of it by the departments of Government was not taken until the autumn of 1800.

payment of the public debt incurred prior to the new form of Government in maintaining the interests of the people ; and supplied other wants of the nation. Their labors have been continued by subsequent Congresses, so that now the Federal Government is a marvellous contrivance of thoroughness and order.

This great system, you will remember, is not the work of a day. The three powers of Government were furnished by the Constitution ; yet to provide for the wielding of those powers has demanded a century of legislation. But, however otherwise complete or incomplete in the organization of its Government and its ability to transact business as a nation, it would have been humiliating indeed if the Republic, in its early days, had been too poor to display a Great Seal to give authenticity to its official acts and records, or to flourish a flag as evidence of national sovereignty ! The old Revolutionary forefathers understood the proprieties, as well as the eternal fitness of things ; and it is a curious fact, as indicating the importance attached to a seal, that this matter was considered by the Continental Congress on the very day on which the Declaration of Independence was read, and the separate existence of the States proclaimed to the world. After the signing of the Declaration, on July 4, 1776, and before the adjournment for the day, a committee was appointed—consisting of Benjamin Franklin, John Adams, and Thomas Jefferson—“to prepare a device for a seal for the United States of America.” The committee made a report within a few weeks, but no decisive action was taken for six years. On June 20, 1782, the Congress of the Confederation adopted the following “device for an armorial achievement and reverse of the Great Seal for the United States in Congress assembled : ”

ARMS : Paleways of thirteen pieces, argent and gules ; a chief, azure ; the escutcheon on the breast of the American eagle displayed proper,

holding in his dexter talon an olive branch, and in his sinister a bundle of thirteen arrows, all proper, and in his beak a scroll inscribed with this motto, "*E pluribus Unum.*"

For the CREST : Over the head of the eagle, which appears above the escutcheon, a glory, or, breaking through a cloud, proper, and surrounding thirteen stars, forming a constellation, argent, on an azure field.

REVERSE: A pyramid unfinished. In the zenith, an eye in a triangle, surrounded with glory, proper. Over the eye, these words : "*Annuat cæptis.*" On the base of the pyramid, the numerical letters, "MDCCLXXVI." And underneath, the following motto : "*Novus ordo seclorum.*"*

This device was used by the old General Congress ; and by a statute of the First Congress under the Constitution (September 15, 1789), it was adopted as the Great Seal of the United States, to be kept by the Secretary of State, and affixed by him to proclamations and other executive instruments and acts.

The subject of a flag, or standard, was also considered in the Continental Congress ; and, on June 14, 1777, this resolution was passed :

Resolved, That the flag of the thirteen United States be thirteen stripes, alternate red and white ; that the union be thirteen stars, white, in a blue field, representing a new constellation.

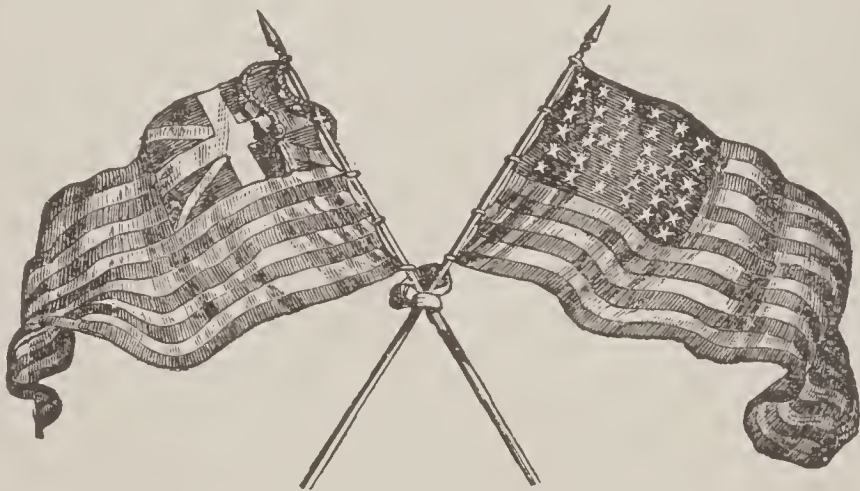
The admission into the Union, after the establishment of the present Government, of Vermont and Kentucky as new States, caused the number of stars and stripes to be increased to fifteen each ; and the subsequent addition of five other States led to the following enactment, which is yet in force, approved on April 4, 1818 :

* The eagle and arrows are familiar to all school-boys. The "reverse," or unfinished pyramid, is seldom if ever used. The motto "*E pluribus Unum*"—one composed of many—refers to the formation of the Union of States. The mottoes on the reverse, "*Annuat cæptis*" and "*Novus ordo seclorum*," mean, respectively, "Heaven favors the undertaking" and "A new series of ages."

AN ACT to establish the flag of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the fourth day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white: that the union be twenty stars, white in a blue field.

SEC. 2. *And be it further enacted,* That on the admission of every new State into the Union, one star be added to the union of the flag; and that such addition shall take effect on the fourth day of July then next succeeding such admission.



Our Flag in 1776 and 1886.

Whenever, therefore, an American sees this glorious ensign of his country, the stripes recall to his mind the birth of the Republic, with the events that surrounded it; the stars suggest its wonderful development in size, in resources, and in power; and, in homage to the national grandeur and protective authority which it represents, wherever the wandering patriot beholds it—whether in mid-ocean floating at the head of a passing ship, or waved aloft in the streets of foreign lands—he lifts his hat and greets it with the cheers of filial love and pride!

CHAPTER XV.

OVER THE RECESS.

Let us now revert to the events following the inauguration of 1873. Returning to our Chamber, the Vice-President resumed the chair at 12.47 o'clock, the ceremonies on the portico having occupied not half an hour. After the passage of the usual resolutions, fixing the hour of daily meeting and providing for the notification of the President that the Senate had convened in obedience to his proclamation, the Senate adjourned to the following Thursday.

This special session of the Senate was called by the President, principally, if not wholly, to have that body act upon his nominations of men to office. The session being purely for the transaction of executive business, no legislation was permissible. There was no House of Representatives, and would be none until the following December, unless an extraordinary occasion should in the meantime arise requiring the exercise of its power.

After appointing its committees for the session, and attending to the business submitted by the President, the Senate, on the twenty-sixth day of March, with the usual formalities, adjourned *sine die*, to meet again, however, on the first day in December, unless called together again by the President before that time.

But before adjourning, it took the precaution to appoint Senator Carpenter President of the Senate *pro tempore*.^{*} This

^{*} "For the time being."

position of President *pro tempore* was, under then existing law, a very important one. If the President of the United States had died, resigned, been removed, or had become incapable of performing the duties of his office, they would have devolved upon the Vice-President, and the President of the Senate *pro tempore* would have become the Acting Vice-President of the United States ; and, in the event of the death or disability of both the President and Vice-President, the President of the Senate *pro tempore* would have acted as President of the United States until the removal of the disability or the election of another President in accordance with the statute upon the subject. In Great Britain and many other nations of the world the succession to the throne depends upon blood relationship. Those nations are therefore not likely ever to be without persons to act as rulers. Our line of succession, however, was, until recently, very short—after the President of the Senate *pro tempore* came the Speaker of the House, and beyond that no provision had been made by Congress under the authority conferred upon it by the Constitution. But at the time of which I write, there was no House, and consequently no Speaker ; so, if the President and Vice-President as well as the President of the Senate *pro tempore* had died, after the adjournment of that special session, the Government would have had no head.

Such a state of affairs would have been, to say the least, very inconvenient. And we were not long ago on the brink of just such a condition of things. When President Garfield died there was no Speaker of the House, and the Senate had carelessly adjourned without choosing a President *pro tempore*. Providentially, Vice-President Arthur was alive, and he assumed the office of President. Had anything happened to him, there might have been confusion. Realizing the danger, however, he issued a proclamation convening the Senate in special session, a President *pro tempore* was chosen, and the embar-

rassment was thus removed. Nevertheless, so alarmed were many people about the matter that, when Congress met in regular session in the December following, it was asked to pass a law creating a longer line of succession, in order to guard against such an emergency again arising. You would naturally suppose from the anxiety that prevailed, that Congress made such a law at once. But it did not. On the contrary, it allowed the Republic to be menaced anew ; and less than a year ago,* upon the death of Vice-President Hendricks, the same condition of affairs was repeated. Once again, upon the assembling of Congress, the people demanded that a proper law be enacted ; and this time the demand was not ignored. The Senate promptly passed a bill establishing a different and longer line of succession ; the House (for a wonder !) acted upon the measure without delay ; and the President gave it his approval on the 19th of January, 1886.

This new law (repealing the old enactment of March 1, 1792) legislates the President *pro tempore* of the Senate and the Speaker of the House out of the line of succession, and substitutes, in their stead, as possible successors to the office of President, the members of the Cabinet, in stated order. That is, after the Vice-President comes the Secretary of State, then comes the Secretary of the Treasury, next follows the Secretary of War, then the Attorney-General, then the Postmaster-General, then the Secretary of the Navy, and the Secretary of the Interior brings up the rear. The law, therefore, increases the dignity and importance of Cabinet officers, but applies only to such as shall have been appointed by and with the advice and consent of the Senate, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives at the time of succession. It also repeals the statutory provision in regard to

* November, 1885.

a new election of President and Vice-President by the Electoral College, but requires that Congress (if not then in session, or if it would not meet in regular session within twenty days) shall be convened in extraordinary session by proclamation of the Cabinet officer upon whom the powers and duties of the office of President shall so devolve.

To resume. The Senate remained in session long enough for us to become acquainted with the new Senators, and then we separated. During that long vacation of eight months, we pages, like the Senators, scattered ourselves over the entire country from California to Maine. We indulged in the ordinary juvenile delights ; but, although we had a grand time, we were only too happy when the first of December came around and both Houses again convened.

There was nothing remarkable about the proceedings of the Senate on this opening day, so I went over to the House of Representatives to render such encouragement in its difficult task of organization as my presence was likely to afford. This was the beginning of the first regular session of the Forty-third Congress, and at twelve o'clock the Clerk of the last House (there being no Speaker) called the members to order. This power is conferred upon him by a law of Congress providing for the organization of the House. After a call of the roll, the Clerk said :

“Two hundred and eighty-one members having answered to their names, being more than a quorum, the Clerk is now ready to receive a motion to proceed to the election of Speaker.”

Several members arose and suggested the names of various persons ; but every one knew beforehand who would be elected. The Republicans were in the majority, and, prior to the meeting of the House, they had come together and held a caucus. A caucus is a secret session of Congressmen all of the same party in which they talk over the policy of legislation and

other matters, and agree to act together. The Republicans of the House, as well as those of the Senate, have frequent caucuses ; so also have the Democrats. In this particular caucus, the Republican members of the House had agreed to nominate and vote for James G. Blaine, who had been the Speaker of the preceding House. Tellers were appointed, and, as the majority of the House voted for Mr. Blaine, he was declared by the Clerk duly elected Speaker of the House of Representatives of the Forty-third Congress. He was conducted to the chair by two of the members, and made a brief address ; whereupon Representative Dawes, at the request of the Clerk, administered the oath to the Speaker. Then the Speaker swore in the members in attendance, and after the election of a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, the organization of the House was complete. The appointment of committees being the privilege of the Speaker, it required several days for him to make up the list ; but, with this exception, the House was ready to begin making laws.

There remained but one other interesting feature of the proceedings of organization. Every member naturally wished the best seat in the Hall that he could obtain ; and as all of them could not be satisfied, the question was determined by a game of chance. The Clerk placed in a box as many slips of paper as there were Representatives and Delegates, each bearing the name of a member, and a blind-folded page was directed to draw these slips from the box one at a time. Mr. Dawes, the " Father of the House," and also Mr. Alexander H. Stephens, who, on account of his age and infirmity, was " entitled to consideration on the part of the House," were permitted to choose seats before the drawing commenced. Then all the other members retired beyond the outer row, and each Representative and Delegate, as the slip bearing his name was drawn and called, came forward and selected a seat. It was quite an amusing perform-

ance ; the law-makers enjoyed the fun fully as much as did the spectators in the gallery, and the countenances of the fortunate members beamed with the smiles of childish joy.

In the Senate, this matter of seats is settled in a different way. At the beginning of every Congress, the newly elected Senators choose from among the vacant seats in the order in which each Senator notifies Captain Bassett, on the principle of "first come, first served ;" and if they do not get satisfactory seats, they "speak" for other seats, in the event of such seats becoming vacant during their term of office. Captain Bassett keeps a record of all these requests in a book, and often the same seat will be spoken for by three or four Senators. I remember one Senator, who had a seat very desirable on account of its location, who became suddenly ill—so ill that he was not expected to live. Several of the other Senators applied for his seat ; and, when the Senator heard of it, he declared he would not die. And he did not ; he even lived to see the seats of these Senators who had spoken for his become vacant.

Within a few days both Houses were in running order, and the Forty-third Congress began its work of legislation. One of the first laws which it enacted repealed one of the very last laws enacted by the Forty-second Congress. The subject is worthy of special remark.

CHAPTER XVI.

AN UNPOPULAR MEASURE.

During the fall of 1872, the country emerged from a Presidential and Congressional election, in which "economy in the administration of public affairs" had been a loud party cry. There is no doubt that there were abuses, and that there was room for retrenchment of expenses in certain branches of the public service, and one of these abuses was what is termed the "franking privilege." The franking privilege permitted Congressmen and certain public officials to write their signatures on envelopes and packages, and send letters and documents through the mail without payment of postage. Such a signature was a "frank;" and some Congressmen were rather careless and franked private matter of friends which ought to have paid postage, thus causing the Government to lose a great deal of money which the Post-office Department would otherwise have collected from the sale of stamps.

When the law-makers met in December, they set about correcting this abuse, and in January an act was passed, and became a law, utterly abolishing the franking privilege.

Now, General Benjamin F. Butler, who was then a member of the House, had an idea that, as Congressmen were compelled, by the abolition of the franking privilege, to buy postage stamps, they ought to have their salaries increased. So, shortly after the passage of the "abolishing" act, and on February 7, 1873, he reported from the Committee on the Judiciary, a bill

which was numbered H. R. 3852,* “to amend the salaries of the executive, judicial, and legislative departments of the Government.” It was read a first and second time and recommended to the Committee on the Judiciary. On February 10th, General Butler made a motion that the House suspend its rules in order to pass a resolution directing the Committee on Appropriations to include in the “Miscellaneous Appropriation Bill” the provisions of Bill No. 3852. To suspend the rules requires a two-thirds vote, and, as the General did not succeed in getting that number, his motion failed.

On the 24th of that month, however, he saw his chance. It was night. The House had resolved itself into a Committee of the Whole on the state of the Union (Mr. Dawes occupying the chair instead of Speaker Blaine), and was proceeding to consider the amendments of the Senate to the general appropriation bill (House Bill 2991) entitled: “A bill making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes.” That bill had previously passed the House and gone to the Senate, but the Senate had made numerous amendments to it and had sent it back to the House. One of those amendments provided that the salary of the Principal Legislative Clerk of the Senate should be raised from \$2,592 to \$3,600; and the House Committee on Appropriations advised that the House concur in that amendment, with a further amendment increasing the salaries of a number of their own clerks.

That is where the snow-ball began. General Butler saw that a spirit of liberality had taken possession of some of the members, and he thereupon offered *as an amendment to the amendment of the committee*, to be substituted for it, a long

* The bills of each House are numbered in the order of introduction, the numbers beginning and ending with every Congress.

provision, which was almost word for word the language of Bill No. 3852, which he had previously tried, but without success, to have passed. This amendment of General Butler's contained the salary-grab and back-pay provision. It provided that, on and after March 4, 1873, the pay of the President should be \$50,000 instead of \$25,000, which was the salary at that time; that of the Chief Justice of the United States, \$10,500, and of the Associate Justices of the Supreme Court, \$10,000 each; that the Vice-President and Speaker of the House should receive \$10,000 each; that the Cabinet officers should receive \$10,000 each, and three of the Assistant Secretaries, \$6,500 each; that the salaries of the Senators and Representatives and Delegates should be increased from \$5,000 to \$7,500 a year each; that the members of the Forty-second Congress should be paid at that rate, from the beginning of the Congress, two years before (thus giving to each Congressman, as "back-pay," \$5,000, but with certain deductions on account of mileage), and that \$1,200,000 should be appropriated to cover this "back-pay."

Immediately after the reading of the proposed amendment, it was subjected to a fusillade of "points of order." Under the rules, these "points of order," if "well taken," and sustained by the Chair, or by the Committee upon an appeal from the decision of the Chair, would have been fatal. A general appropriation bill is too important to be hindered and delayed by all sorts of new fancies, and, to secure its speedy passage, the rules do not favor amendments which embody the substance of other bills, or which do not pertain directly to the subject under consideration. When an amendment not permitted by the rules is offered, a member has merely to make the "point of order" and show that fact, and the amendment is left out in the cold.

This measure, therefore, that was destined to raise so much dissatisfaction among the people, was met at the very threshold

by objections. Mr. Dawes himself was opposed to it, but it was his duty to apply the rules impartially. As Chairman of the Committee of the Whole, he overruled the points of order made. Mr. Holman, as one of the "objectors," appealed from the decision of the Chair, but the Committee voted to sustain the Chairman's ruling.

At last, after much debate, it came to a vote on the proposition. The Committee divided. That is, those in favor of it stood up and were counted by the Chairman, who said there were 93; and then those in favor sat down, and those opposed stood up and were counted, and they numbered 71—in all 164. Thereupon Mr. Holman, who never knows when he is beaten, demanded tellers. So tellers were ordered and appointed by the Chair, and they shook hands and stood up in front of the Clerk's desk, and the Committee again divided. That is, the "Ayes" passed, one after another, between the two tellers, who touched each of them on the back as they passed through, and "counted" them. Then the "Noes" passed through and were counted, and the tellers reported the result to the Chairman. There were 81 Ayes and 66 Noes—in all 147, or a "shrinkage" of 17.

So the amendment proposed by General Butler was agreed to, as well as the other amendments increasing the pay of officers and employés of Congress—including the Senate-pages, whose compensation was raised from three dollars to three dollars and forty-five cents per day. When the Committee had done this, a motion was made that it "rise," and, being agreed to, Mr. Dawes came down from the chair, the Speaker resumed it, the mace was placed in position, and the House proper was again at work. Then Mr. Dawes stood in front of the Clerk's desk where the tellers had previously stood (which space is called the "area of freedom") and went through the formality of reporting to the Speaker what had been done by the House

while in Committee of the Whole, of which he had been Chairman. Thereupon the Speaker reported the information back to the members (who, of course, knew it quite as well as he did); and then the members agreed to the amendments again, thus making their adoption the action of the House, and so really passing the bill. And this explains to you the whole process of an action of the House in "Committee of the Whole."

From the House the bill went to the Senate, and after a debate, the Senate asked for a committee of conference—that is, a committee composed of members of both Houses—to adjust the bill so that it should satisfy the majority in both Houses. Such a committee was appointed, and on Monday, March 3d, the conference report came up for consideration in both the Senate and the House, and it was adopted, after a very spirited discussion, by a vote of 36 to 27 in the Senate and of 102 to 96 in the House, and the bill thus became an act. It was late at night when the Senators finished their deliberations on the subject. On the morning of March 4th, the House, at 2.50 A.M., took a recess until half-past nine o'clock A.M.; and upon re-assembling, Mr. Buckley, from the Committee on Enrolled Bills, reported that the committee had examined the bill and found it duly enrolled. It was then signed by the Speaker, and the Clerk brought it over to the Senate. Thereupon the parchment was signed by Vice-President Colfax, and Captain Bassett stood by the side of his chair and dried the ink of his signature with a blotter! That was the last I saw of it, but somehow it must have reached the President's Room, for, shortly afterward, Mr. Babcock, the President's private secretary, appeared in the House and informed that body that the act had been approved.

Within a few minutes after Mr. Babcock's announcement, the Speaker of the House declared the House of Representatives

of the Forty-second Congress adjourned without day, and he and the other law-makers at once marched over to the Senate to attend the ceremony of the inauguration before described.

Such was the last memorable act of that Congress. If you want to find comments on it, pick up almost any newspaper of that year. If you want to see the law itself, you will find it in the 17th volume of the Statutes-at-Large, at page 485.

The people of the country were furious when they heard of this "salary-grab." The idea of the law-makers voting to themselves more than a million dollars just at the end of their terms, and then quietly dispersing, jingling the gold in their pockets! The more the people thought of it, the more indignant they became. There was one loud, prolonged outburst of wrath against the members of that Congress, which found vent in the newspapers, the "organs of public opinion," and which swept the country from one end to the other.

The fun of it all was yet to come. Many members had drawn their back-pay, including even those who had opposed the measure. As the storm of public condemnation increased in fury, those who had not drawn were afraid to touch the money, and those who had drawn began to feel uneasy and to wish they had not done it, and some even returned the money to the Treasury.

Many of the Representatives of the Forty-second Congress had not been re-elected at the election of 1872, and never expected to be. These, of course, were not alarmed. But other members had been re-elected and wanted to be re-elected forever and forever, and they were very eager to do something to soften the wrath of their constituents. Their wild, anxious efforts at repentance were almost laughable. And I may as well remark here, that, notwithstanding all their efforts, some of them were never forgiven, but were put aside by the people of their districts at the very *next* election.

Let me show you, however, the celerity with which the Congressmen acted when they reassembled. The first session of the Forty-third Congress began, as stated in the last chapter, on Monday, the first day of December, 1873. On Thursday, the fourth, a resolution was offered, in the House, that a special committee should be appointed to take into consideration the repeal of the "Salary Bill," so called.

That resolution was agreed to ; and then was presented a pretty spectacle ! Nearly every member seemed to have prepared a bill on the subject, and was anxious to gain the credit of having repealed the obnoxious law. On the 16th of the month, the committee reported a bill to repeal the former law, and it was promptly taken up and considered. The discussion that ensued was fierce and exciting. Some obstinate members spoke of the denunciation of the people as the outcry of a lawless mob ! Others spoke less defiantly. But when it came to voting, nearly all, General Butler included, voted for the passage of the bill for the repeal of the law. It was wonderful ! And the same is true of the Senate.

This measure was passed in the House of Representatives, December 17, 1873, by a vote of 122 to 74 ! On January 12, 1874 (the holidays having intervened), the Senate passed it, with an amendment, by a vote of 50 to 8 ! and the title was amended so as to read : " A bill repealing the increase of salaries of members of Congress and other officers." As so amended, it provided that " the increase of the compensation of public officers and employees, whether members of Congress, Delegates, or others, except the President of the United States and Justices of the Supreme Court," should be repealed, and the salaries fixed as before the passage of the Act of March 3, 1873.

The very next day after its passage by the Senate, it reached the House. The Representatives promptly concurred in the

amendment of the Senate by a vote of 225 to 25! and on the 20th (one week later) it was approved by the President. And you will find that law in the 18th volume of the Statutes-at-Large, at page 4.

And so the law-makers, after boldly marching up the hill, deemed discretion the better part of valor, and marched down again. Perhaps no better instance could be given of the great fact stated in my opening chapter—a fact, by the way, that it will not be my fault if you forget—that the Government of the United States is a “Government by the People.”

CHAPTER XVII.

REPUBLICAN SIMPLICITY.

A matter often made the subject of comment by observing foreigners is the smallness of the salaries paid to the President, judges, and other high officers of our Republic—a rate of compensation extremely low as compared with other countries and in proportion to our wealth and power as a nation. This feature has been characteristic of our policy from the beginning of the Government ; it is based not so much upon notions of economy as upon the unwillingness of the people to endow any of their institutions with even the semblance of regal magnificence.

It was not at all strange that, after their sad experience under monarchical rule, the early Americans should have disliked everything that savored of royalty. Not only was this spirit shown in attacks made upon a peculiar courtliness of fashion affected by a portion of society, but it found expression in the Constitution itself. It was distinctly provided that—

No title of nobility shall be granted by the United States ;
and an instance of the popular feeling on this subject and of the peculiarities of the two Houses, is presented by the proceedings of the First Congress.

The question was raised as to—

What style or titles it will be proper to annex to the offices of President and Vice-President of the United States ; if any other than those given in the Constitution ;

and this subject was deemed of sufficient importance to receive the attention of a special joint committee of both Houses.

This committee reported that the President should be addressed as "His Excellency." The Senators would not agree to the report; they fancied the title "His High Mightiness." A committee of conference was then appointed, and reported—

That, in the opinion of the committee, it will be proper thus to address the President: "His Highness, the President of the United States of America, and Protector of their liberties."

I think that was high-sounding enough to please the tastes of the Senators. But the members of the House of Representatives would consent to nothing of the kind. They did not believe it essential to the dignity of a free people that their Chief Officer should be laden down with anything more than a simple description of his office. The result of the whole matter is shown in the following resolution, passed by the Senate on May 14, 1789:

From a decent respect for the opinion and practice of civilized nations, whether under monarchical or republican forms of government, whose custom it is to annex titles of respectability to the office of their chief magistrate; and that, on intercourse with foreign nations, a due respect for the majesty of the people of the United States may not be hazarded by an appearance of singularity, the Senate have been induced to be of opinion that it would be proper to annex a respectable title to the office of President of the United States; but the Senate, desirous of preserving harmony with the House of Representatives, where the practice lately observed in presenting an address to the President was without the addition of titles, think it proper, for the present, to act in conformity with the practice of that House:

Therefore,

Resolved, That the present address be: "To the President of the United States," without addition of title.

That resolution has never been disturbed, and there is no legislative authority for any other address than the one so adopted. This form of official salutation is still observed in the relations between Congress and the President—and it



An Unpretentious President.

should be adhered to. Extravagant titles are not in good taste in a Republic.

A somewhat similar dispute arose between the early Senate and House, when the currency measures were discussed, in regard to a design for an impression upon United States coins. The Senate proposed a representation of the President's head, but the House, thinking, no doubt, of the old Roman pieces which bore the head of Cæsar—and perhaps of some European pieces of money—declared that this idea also inclined to “Royalty,” and suggested that a representation of “Liberty” should be adopted. The Senate again conceded the point, and the design proposed by the House was accordingly adopted upon.

But while the action of Congress did not enlarge the title of the Executive, Washington thought that, such as it was, it was entitled to respect. In illustration of this fact, a story is told which, whether authentic or not, is good enough to be repeated. An English officer, it is said, having addressed a communication to our first President as “George Washington, etc., etc.,” Washington informed him that he was “President of the United States of America,” and that he wished no “etcetera” after his name. “Oh, well!” exclaimed the officer, carelessly, “‘etcetera’ means *everything*.” “Yes,” rejoined Washington, with quiet firmness, “but it *may* mean *anything*!”

The clause of the Constitution prohibiting the United States from conferring titles also declares that—

No person holding any office of profit or trust under them [the United States], shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.*

* So intense was the feeling on the subject that, in the year 1810, it was proposed to amend the Constitution, and make it a serious offence for *any* American to accept a foreign title.

Frequently, foreign potentates have desired to express in various ways their appreciation of the merit or friendly services of naval, military, or civil officers of this country, and Congress has seldom refused to grant the request of the American who has become the object of foreign liberality. To do otherwise would be rather discourteous to the good-natured monarch or country proposing to do honor to an American citizen.

There are on the Congressional Statute-books many acts granting to American officers named in them permission to accept gifts from foreign powers. Among others, I find one in regard to certain presents from the King of Siam, consisting of "first, a portrait, in frame, of Her Royal Highness the Princess of Siam ; second, a silver enamelled cigar-case ; third, a match-box and tray of Siamese work," which, at the time of the passage of the act, were deposited in the Smithsonian Institution at Washington.

The mention of that Institution reminds me of another Congressional action (which may be cited as a good specimen of its kind) in reference to the distinguished scientist who, until the time of his death, presided over its affairs. The renown of Professor Joseph Henry is world-wide. The following joint resolution of Congress, approved by President Grant on April 20, 1871, illustrates the high esteem in which his memory is held :

JOINT RESOLUTION giving the consent of Congress to Professor Joseph Henry, Secretary of the Smithsonian Institution, to accept the Title and Regalia of a Commander of the Royal Norwegian Order of St. Olaf, conferred upon him by the King of Sweden and Norway, Grand Master of said Order.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to Professor Joseph Henry, secretary of the Smithsonian Institution, to accept the title and regalia of a commander of the Royal Norwegian

order of St. Olaf, conferred upon him for his distinguished scientific service and character by the king of Sweden and Norway, grand master of said order.

Of course, private individuals, not in the employ of the Government, do not require the "consent" of Congress. It is pleasant to note that genius in the fields of letters and of science is not overlooked by distant friends, even if unrecognized at home; and when reading such enactments as the above resolution, we pages used to confess to a presentiment of coming honors for ourselves. Could it be that His Majesty the King of the Cannibal Islands had never heard of *us*?

The constitutional requirement that Congress must give its consent to the acceptance of foreign presents or titles, is an evidence of what foreigners call our republican simplicity. This spirit of "simplicity" (to adopt that term) pervades, as I have said, all our institutions. It allows of no distinctions of rank. It means absolute freedom—equality of rights before the law. I could give you innumerable instances of its workings; but it is sufficiently shown in the "accessibility" of public officials. The people are not disposed to forget that *they* are supreme in authority. The officials are their agents and servants, subordinate, not superior to them, and they require that the management of their affairs shall be open to inspection. The citizen from the back-woods of the West, and the citizen from the classic streets of Boston, may wander about the halls of Government with equal freedom and impunity. The only restrictions are those of prudence or necessity. An American should not complain because in roaming through the vaults of the Treasury he is required to have the escort of a guide. If he wishes to hear the debates of Congress, a seat in the gallery is at his disposal.*

* A recent exception to this privilege should be noted. On the occasion of the dedication of the Washington Monument in February, 1885, the general public were ex-

That we find "red tape" and excessive dignities in some of our official circles, I concede ; but these are trifles as compared with the tedious formalities and pomp of other lands. Indeed, it is only by such comparison that you can really estimate at their proper worth these features of American equality.

Here we have no long line of servants in livery and soldiers in uniform parading within and without our public buildings. There is not a vestige of an army around the White House, and about the only livery the President sees is that worn by his coachman when driving through the streets of Washington, in a very ordinary carriage, drawn by two very ordinary horses. I have seen President Grant gazing at the pictures in the Capitol, and sauntering up the Avenue with the crowd, quite unpretentious and unconcerned—even stopping to inspect the articles in a show-window. And Justices of the Supreme Court and Congressmen are as frequently encountered, and are as easy of address, as the lads of the city, who, also, when school is out and their labor done, take their daily promenades on that great thoroughfare.

cluded from the services in the House of Representatives, admission to the galleries being given only to the *personal friends* of Congressmen. But this exclusion, so plainly repugnant to the democratic spirit of our institutions, provoked severe condemnation by the press of the country.

CHAPTER XVIII.

THE FEDERAL JUDICIARY.

About midway between the Senate-chamber and the rotunda of the Capitol is a semi-circular room into which I never ventured without a mingled feeling of reverence and awe. One day, not long after the repeal of the Salary Bill, while passing along the corridor, I noticed quite a crowd struggling for admittance into this room. The clock was on the stroke of twelve, and my presence was needed in the Senate. As I stood for a moment pondering over what I should do, a door on one side of the corridor noiselessly opened, an opposite door did likewise, a procession of venerable men, arrayed in black silk gowns, emerged and slowly crossed my path, the doors quietly closed, and the procession was shut from sight. I shall allow it to remain invisible for a while. By the time it reappears, we may know enough law to face it with composure.

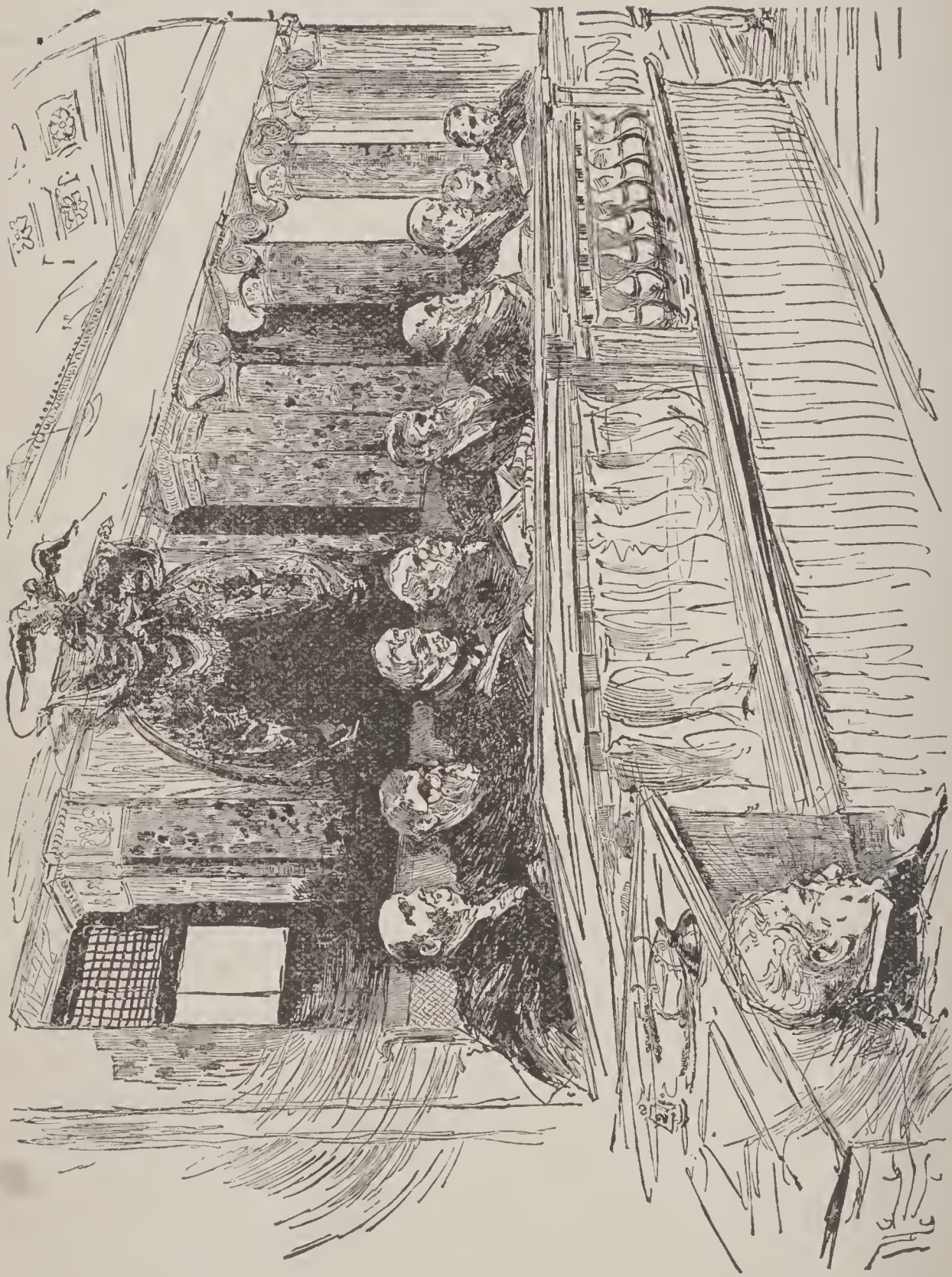
In treating of the general powers of government, we saw that they are three in number; and in describing the plan of our own Government, we noticed that these three powers are here confided to three separate departments. The first article of the Constitution vests the legislative power of the Republic in the Congress; the second article vests the executive power in the President; and the third article, in true logical order, declares that "the judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

The Constitution thus established the judicial department of the Government ; but the duty of organizing it devolved upon Congress. In the performance of this duty, the first Congress passed the Judiciary Act before referred to, which became a law September 24, 1789. By this act the Supreme Court was made to consist of a Chief Justice and five Associate Justices. Certain inferior courts were created and provided with necessary officers, and regulations were prescribed. Since then, many changes and additions have been made, expanding and perfecting the judicial system, and carefully defining the powers of the various courts.

The United States is, under present law, divided into a number of judicial districts, and within each district is a Federal court, known as the "district court," presided over by a judge known as the "district judge." These judges are fifty-six in number. The jurisdiction of each district court extends over the territory embraced within its district, and its powers are defined by statute.

These judicial districts are divided into nine judicial circuits, and in each circuit is a "circuit court," presided over by a "circuit judge." The jurisdiction of each circuit court is co-extensive with the districts embraced within the circuit, and its powers are likewise defined by statute.

Next to the nine circuit courts comes the Supreme Court of the United States. It consists now of a Chief Justice and eight Associate Justices. Its jurisdiction extends over the entire Republic ; its powers are defined by the Constitution and also by statute. It is required by law to hold, at the seat of Government, one term annually, commencing on the second Monday in October. Furthermore, the law-makers have enacted that the nine members of the Supreme Court shall be allotted among the nine circuits, and that the Chief Justice and each Associate Justice of the Supreme Court shall attend at least



The Supreme Court of the United States.

one term of the circuit court in each district of the circuit to which he is allotted, during every period of two years. The Justices of the Supreme Court, when serving on circuit duty, are known as “circuit *justices*,” to distinguish them from the “circuit *judges*.”

To assist the Supreme Court and the circuit and district courts in their work, and to enforce their mandates, judgments, decrees, and orders, there is a multitude of district attorneys, marshals, clerks, and other Federal officers.

In addition to these courts and certain inferior judicial officers, such as United States Commissioners, there are the courts of the District of Columbia and the Territories, which are of Federal creation and authority, and certain commissions for the settlement of claims growing out of international relations. There is also, at Washington, a Court of Claims, in which a citizen who thinks he has been injured by the Government may say so, and try to get redress. But the United States cannot be “sued.” This exemption is an “immunity of sovereignty.” All that a citizen can do, therefore, is to “petition” and beg for justice—not *demand* it, as a right, from the Government which has injured him. And as there are only certain classes of cases which the Court of Claims is authorized by statute to hear, many persons are driven to Congress with their petitions. While Congress passes an occasional bill granting the relief desired, it pigeon-holes the others, and the halls of the Capitol are annually crowded by claimants who have sustained wrongs or losses at the hands of the Government. Many of them give up in despair; others struggle for their rights for years, and die without success, leaving their honest claims to be pushed (or abandoned) by their heirs. It may be that the law-makers have more important things to attend to than examining private claims; but, if so, they are to be censured for not creating a tribunal with full authority to bestow the national

justice which they profess to be too busy to afford. While the United States of America is a nation of honest intentions, still its Government frequently inflicts wrongs upon the rights of individuals, which it also frequently fails to redress. I thought I might as well mention this, as I go along, to show that we have not yet attained absolute perfection.

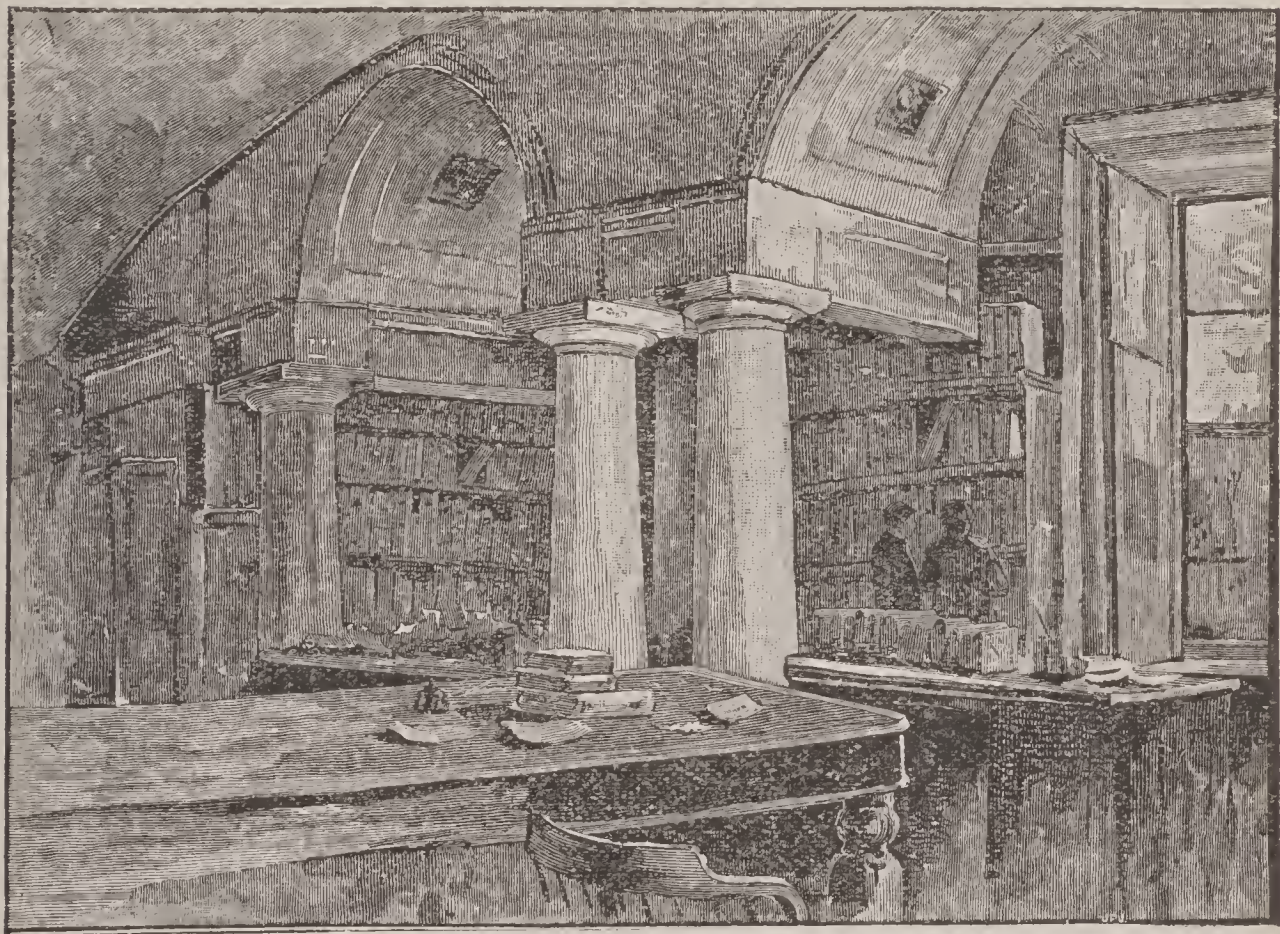
Our ministers and consuls to certain "half-civilized" countries are also vested by Congress with judicial powers. The authority of these diplomatic and consular officers extends only to American citizens resident or travelling abroad, and the exercise of their power is subject to the will of the foreign Government. So far as the act of Congress is concerned, however, an American consul (with the help of four American citizens as associates) may condemn a countryman to death. In some parts of the world the business of these courts is apparently pretty brisk, for I find, by reference to the Statutes-at-Large, that not long ago Congress authorized the Secretary of State to rent a court-house and jail at Yeddo for the trial and imprisonment of Americans sojourning in Japan.

The Federal tribunals are distinct from the State courts. The Constitution declares that the judicial power of the United States, "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, or other public ministers and consuls; * to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or

* That is, ambassadors, ministers, and consuls of *foreign powers* representing their Governments in the United States.

the citizens thereof, and foreign states, citizens or subjects." But it does not extend to any suit "commenced or prosecuted *against* one of the United States by citizens of another State, or by citizens or subjects of any foreign state."

All cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, must be



A Corner in the Old Supreme Court Room, now the Law Library.

brought in the Supreme Court of the United States ; in all the other cases mentioned, the Supreme Court has the power of a court of appeals, subject to any exceptions or regulations deemed advisable by Congress.*

* This is the general provision of the Constitution. The exclusive and original jurisdiction of the Supreme Court is thus defined by statute of Congress : "The Supreme Court shall have *exclusive* jurisdiction of all controversies of a civil nature where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens, in which latter cases it shall have *original*, but not exclu-

But while the Federal judiciary, like the Federal legislature, has authority over certain matters only and cannot encroach upon the province of the State judiciary, the State courts, like the State legislatures, must not interfere with the province of the General Government; and it is expressly declared that "this Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the Land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

The Justices of the Supreme Court are, under constitutional provision, appointed by the President, by and with the advice and consent of the Senate; and although Congress is empowered to vest the appointment of "inferior officers" in the President alone or elsewhere, it has been generally accepted, by uniform custom, that the judges of the circuit and district judges are not such "inferior officers" as the Constitution had in view; and these judges are, accordingly, appointed in the manner in which those of the Supreme Court are appointed, and, like those superior justices, hold their offices during good behavior.

The Supreme Court, having been expressly established by the Constitution, is termed a "constitutional court." Its existence, as the highest court in the land, cannot be disturbed by legislative power, and the Justices can be removed from office only by proceedings on impeachment, about which I shall have something to say hereafter. The circuit and district courts, however, and all other judicial tribunals inferior to the Supreme Court, having been created by Congressional enactments, are

sive, jurisdiction. And it shall have *exclusively* all such jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, as a court of law can have *consistently with the law of nations*; and *original, but not exclusive*, jurisdiction of all suits brought by ambassadors, or other public ministers, or in which a consul or vice-consul is a party."

mere "statutory courts," and they may be changed or even abolished—in other words, "legislated out of existence"—by the same authority.

The Supreme Court holds its sessions in the Capitol at Washington. The room in which it sits was formerly occupied by the Senate, and is commonly known as the old Senate-chamber. The sacred associations of the past, the solemn deliberations of the present, entitle it to veneration. There, in days gone by, our mightiest statesmen met; there, to-day, our highest magistrates assemble. Grand old council-hall and forum—no wonder that I never entered it without some fear and trembling!

Naturally, during my page career, I saw a great deal of the Supreme Court, and learned much about its powers, forms, and ceremonies. One occasion requires mention.

In May, 1873, scarcely two months after administering the oath of office to President Grant, and during the recess of the Senate, Chief Justice Salmon P. Chase died. At the next session of Congress, the President sent to the Senate the nomination of Morrison R. Waite, as Chief Justice of the United States, and on January 21, 1874, the Senate confirmed the nomination. But the new Chief-Justice did not assume the duties of his office until March 4th—the anniversary of the inaugural ceremonies of the Executive. Perhaps he selected that day because of the coincidence.

However, he resolved to take the oath on March 4th, and knowledge of this fact had drawn to the Capitol the crowd congregated in the corridor. As it was a ceremony that I might never again have a chance to witness, I decided not to let the opportunity pass. When I saw the silk-gowned Justices file across the corridor from their robing-room on their way to the court-room, I darted around to a private entrance and reached the room in the very nick of time. It was just twelve

o'clock, and as I breathlessly entered, the Crier of the Court rapped upon his desk and called out: "The Honorable the Associate Justices of the Supreme Court." The people in the room rose to their feet and looked—not at me, but—toward the north door. And there, coming down the narrow passage, was the same procession I had seen—Mr. Justice Clifford in front,



Seal of the Supreme Court of the United States.

the newly-appointed Chief Justice in the rear. When he reached the desk of the Clerk of the Court Mr. Waite paused. The Associate Justices continued their march until they reached the Bench. There they stood for a moment, arranged in line. Bowing to the attorneys assembled in the Bar, they took their seats, the lawyers and other spectators following the example. Then the Crier opened the session

by shouting his proclamation: "O yea! O yea! O yea! All persons having business before the Honorable the Supreme Court of the United States are admonished to draw near and give their attention, for the Court is now sitting"—and dropping his voice, he added, in a low and reverential tone: "God save the United States and this Honorable Court!"

A slight pause ensued, and then Justice Clifford handed to the Clerk the commission of Chief Justice Waite, and directed him to read it aloud. The commission was as follows:

ULYSSES S. GRANT,

President of the United States of America.

To all who shall see these presents, greeting:

Know ye that, reposing special trust and confidence in the wisdom, uprightness, and learning of Morrison R. Waite, of Ohio, I have nominated, and, by and with the advice and consent of the Senate, do appoint him to be Chief Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and laws of the said United States, and to have and

to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said Morrison R. Waite, during his good behavior.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto fixed.

Given under my hand, at the City of Washington, the twenty-first day of January, in the year of our Lord one thousand eight hundred and seventy-four, and of the independence of the United States of America, the ninety-eighth.

U. S. GRANT.

[Great seal of the United States.]

By the President :

HAMILTON FISH,
Secretary of State.

The Chief Justice then took the oath of office, first orally responding as it was read by the Clerk, and afterward signing his name to it in the open book before him.* This done, he walked to the rear of the Bench, entered the arching door, and, while the Associate Justices and the people upon the floor stood and bowed, he took the chair in the centre. That was all there was of the ceremony. No bells were rung, no cannons thundered, not even a shout went up in honor of the event. Within a few minutes the Court proceeded with its regular business, the spectators dispersed, and I hurried away to the more congenial legislative atmosphere of the Senate.

* The form of oath required of the Justices of the Supreme Court, the circuit judges, and the district judges, is prescribed by the Judiciary Act, and is as follows :

"I, ———, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States ; So help me God."

CHAPTER XIX.

A VACANT CHAIR.

After the repeal of the Salary Bill, matters in both Houses had been going quietly on. But on March 11, 1874—one week after the investiture of the Chief Justice—the monotony was broken. My attention on that day was attracted to this unusual language used by the Chaplain of the Senate in his opening prayer :

“ We miss some of our number, who are withdrawn from these seats and are lying prostrate with sickness and disease ; and especially one who but yesterday came into this Chamber with all the presence of his manly form, but now, when we meet again this morning, lies close to the edge of the dark river.”

When the journal had been read, Senator Sherman moved to adjourn, and the motion was agreed to, without a voice being heard, after a session of only nine minutes. Everyone whom I met in the Senate, and throughout the building, was silent and sad. I soon ascertained the cause. Senator Sumner was dying !

I went to the House of Representatives to get away from the gloom, but found the shadow wherever I went. I remained in the Hall until three o'clock, and was just on the point of leaving, when the Speaker rose and in a trembling voice remarked :

“ The Chair lays before the House the following telegram

this moment received." And then, amid painful silence and suspense, the Clerk read :

" Senator Sumner died at ten minutes before three o'clock."

The effect of the announcement was startling. The vast audience seemed dazed and actually gasped for breath, and the House at once adjourned. It is needless to describe the sensation produced throughout the city and throughout the land. The news of that death instantly spread like a dark and heavy pall over the Republic and enveloped everyone in sorrow !

The next day the Senate adjourned after passing resolutions in regard to the funeral arrangements, and the House did likewise. On Friday, the 13th, the Senate assembled at the usual hour. The desk and chair of the deceased Senator were covered with crape, and the walls of the room were heavily draped in mourning. The Senators came in noiselessly. The air was oppressive, and the Senate floor and galleries were strangely silent when the Diplomatic Corps arrived, dressed in black, and took the seats prepared for them. Then entered the House of Representatives in a body, the Senators standing as the members were being seated ; and, following the Representatives, came the Supreme Court of the United States, and the President and his Cabinet.

Immediately afterward the Committee of Arrangements was announced. Then came a solemn procession : the casket containing the remains of the dead statesman borne by six officers, and escorted by the Committee of Arrangements of the House and Senate, the pall-bearers, and mourners. As the cortège entered, the Chaplain of the Senate, who preceded it, slowly repeated the words : " I am the resurrection and the life : he that believeth in me, though he were dead, yet shall he live—" and all the people rose reverently to their feet and stood, with bowed heads, while the procession advanced to the catafalque in front of the Secretary's desk.

After an impressive pause, the religious services were begun, conducted by the Chaplain of the House and the Chaplain of the Senate. Upon their conclusion, the President *pro tempore* (Senator Carpenter) said :

“ The services appointed to be performed by the Committee of Arrangements having been terminated, the Senate of the United States intrusts the mortal remains of Charles Sumner to its Sergeant-at-Arms and a Committee appointed by it, charged with the melancholy duty of conveying them to his home, there to be committed earth to earth, ashes to ashes, in the soil of the Commonwealth of Massachusetts. Peace to his ashes ! ”

The coffin having been closed, the procession again formed, and as it left the Chamber the spectators rose, glancing after it with eyes almost obscured by tears. The casket, followed by thousands of people, and with the church bells of the city mournfully tolling, was conveyed to its car, and at three o'clock the funeral train, all draped in black, moved slowly and silently away.

Previous to the obsequies in the Senate-chamber, the remains lay in state in the rotunda of the Capitol ; but notwithstanding the cold, bleak day, the crowd was so great that many persons failed to gain admission. Arriving in Boston, the people of Massachusetts were afforded an opportunity to look once more upon the face of their beloved Senator ; and as the sun went down on Monday, the 16th of March, the casket was tenderly consigned to the ground.

The ceremonies reminded me of those I had witnessed at the Capitol a year before. Yet what a contrast ! Then the city was in holiday attire and the nation rejoiced at the beginning of a new Administration. On this occasion, the city was shrouded in the emblems of woe, and the voice of the nation was choked in grief. And, as Senator Anthony so feelingly

said, the sad intelligence of the death of this great Senator had extended beyond the shores of our own country, arousing profound regret and sympathy "wherever Humanity weeps for a friend, wherever Liberty deplores an advocate !"

Upon the death of a Senator or Representative, it is customary for both Houses to set aside a day for memorial services.* In accordance with this usage, the Senate, on April 27th, resolved, "That, as an additional mark of respect to the memory of Charles Sumner, long a Senator from Massachusetts, business be now suspended, that the friends and associates of the deceased may pay fitting tribute to his public and private virtues." The House, on the same day, "in sympathy with the action of the Senate," adopted a similar resolution.

I need not dwell upon what was said. Partisan animosities were forgotten, and men of opposite political faiths vied with one another in eulogizing the life and character of the dead Senator. The demonstration in Congress was but one of many held throughout the country. At last, everyone was able to look calmly and dispassionately upon his deeds, and estimate them at their worth. But it had not been so during his career. His independence and fearlessness of thought and action had aroused the fury of all parties ; and partisan hate is almost implacable. When Charles Sumner entered upon his duties as a Senator, he was treated by his adversaries in the Senate in a manner which violated all the courtesies of that body. He died—respected by all, one of the foremost statesmen of the age.

It is not the design, nor is it the province, of this volume to criticize political factions or their principles. Parties, like the men composing them, are necessarily fallible ; they have their

* Upon the termination of the exercises it is also usual, "as a further mark of respect," to adjourn for the day.

virtues—they have also imperfections. Good, upright citizens entertain opposite political views; and the man of honest convictions, with the courage to express them—although *we* may think them erroneous—is always entitled to our respect.

But a politician is one thing—a statesman is another. The former will *favor any party* in order to gain personal advantage; the latter will *oppose all parties* in the maintenance of what he conceives to be right. And it was because Charles Sumner was a statesman that honorable men of all shades of opinion joined in honoring his memory, by testifying to the purity of his motives and the exalted dignity of his life. The sincerity of his convictions none could question; and those familiar with the perils and the opposition he had encountered in their utterance best understood the moral grandeur of his character.

The day on which he took the oath as Senator was the 1st of December, 1851, and he was snubbed at the very threshold of his duties. He was a member of neither of the two great political parties then struggling for supremacy; and was, accordingly, refused a place on any committee, for the reason that he “belonged to no healthy political organization.” At that time slavery was one of the “institutions” of America, and he went to the Senate determined on its destruction. His enemies knew this, and for weeks and months they prevented him from speaking.

On August 26, 1852, during the closing days of that session, a general appropriation bill came up for consideration. Among its clauses was a provision for meeting certain “extraordinary” judicial expenses. Translated, that term meant, expenses incurred in the capture and return to their owners of run-away slaves, under what was known as the *Fugitive Slave Act*. Charles Sumner’s moment had at length arrived. He arose,

and sent to the Clerk's desk an amendment to the section—to repeal and declare null and void the law for whose execution the appropriation was designed. He then took the floor. Let me tell you how he began :

“ And now, at last, among these final crowded days of our duties here, but at this earliest opportunity, I am to be heard ; not as a *favor*, but as a *right*. The graceful usages of this body may be abandoned, but the established privileges of debate cannot be abridged. Parliamentary *courtesy* may be forgotten, but parliamentary *law* must prevail. The subject is broadly before the Senate. By the blessing of God, it shall be discussed ! ”

And it *was* discussed ! For three hours and a quarter, while enemies scowled and uttered imprecations behind his back and others glared him in the face, he championed the cause of the oppressed and denounced the infamy of the enactment. When he had concluded, he was assailed by the coarsest of insults—insults which only two of his associates took occasion to discountenance or rebuke. His amendment was lost. Forty-seven Senators voted against it ; only four voted in its favor. Those four were memorable men—Salmon P. Chase, John P. Hale, Charles Sumner, and Benjamin F. Wade.

That speech (as Senator Chase then predicted) marked an era in American history. But I refer to it as containing one of the noblest declarations ever uttered in legislative halls :

“ I HAVE NEVER BEEN A POLITICIAN. THE SLAVE OF PRINCIPLES, I CALL NO PARTY MASTER. ”

The triumph of those principles he lived to see ; and the tribute paid to his memory by his honored friend and associate was as just as it is eloquent : “ His eulogy is his life ; his epitaph is the general grief ; his monument, builded by his own hands, is the eternal statutes of freedom. ”

A friend of humanity, his policy was peace, and the settle-

ment of disputes between nations by arbitration instead of by the sword was one of his fondest dreams. Possessed of such benign and noble sentiments, on the 2d of December, 1872, he introduced a bill which he requested to have "read in full for information." I shall give it here, for to carry it to the desk was one of my first acts as a page. It was as follows :

A BILL to regulate the *Army Register* and the Regimental Colors of the United States.

WHEREAS, the national unity and good-will among fellow-citizens can be assured only through oblivion of past differences, and it is contrary to the usage of civilized nations to perpetuate the memory of civil war :
THEREFORE,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the names of battles with fellow-citizens shall not be continued in the *Army Register* or placed on the regimental colors of the United States.

The bill was ordered to be printed, and that was the end of its pilgrimage in Congress. It never became a law. But it was discussed elsewhere. The legislature of Massachusetts heard of it, and shook with indignation. The act of Senator Sumner was stigmatized as "an attempt to degrade the loyal soldiery of the Union and their grand achievements ;" and a resolution of censure was introduced and passed. The men who voted for that resolution could not have known their Senator well. Charles Sumner insult a Union soldier ! His whole life was a refutation of the charge !

One little incident may be told. A page once brought to the Senator an application of an old man for office, and asked him if he would endorse it. Mr. Sumner did not know the applicant, and told the page that he thought his name would have no influence, and that (because of his relations with the Administration) he preferred not to endorse the paper.

The page still insisted, and the Senator was finally obliged to firmly but gently decline. The boy slowly retired, murmuring : " I am very sorry, Senator ; he is an old soldier——" " A soldier, did you say, my child ? Come back ! " cried the Senator ; and, taking the paper from the page's hand, he wrote upon it a lengthy endorsement. What became of the application, I do not know ; if it failed, it could not have been for want of fervent commendation.

The resolution of censure was an injustice which would have provoked some men to wrath. But with Mr. Sumner it was otherwise—not anger, but grief. He had served his State for more than twenty years, and she had stood proudly by him in all his efforts. That she should now, after his long and faithful career, misinterpret his motives, withdraw her confidence, and brand him with reproach, was perhaps the heaviest blow he ever sustained. Its effect upon him was visible not only to friends but to strangers. His manner betrayed that it bore upon his mind. Yet that session wore away and December, 1873, appeared, and the Senator was again found at his seat on the opening day, this time to introduce his famous Civil Rights Bill—the first bill of the session. But as the days slipped by, his face was less frequently seen in the Senate. December, January, February passed—his visits were few and brief.

On the 10th of March, however, he was in attendance. I remember it well. I had not seen him for quite a while, and he called me to his chair. I thought he looked more cheerful than usual, and asked after his health. As he whittled the end of his penholder, he smilingly chatted with me, and stated that he had come to the Senate to hear pleasant news. Scarcely had he made the remark, when Mr. Boutwell, his colleague, arose and sent up to the Clerk's desk to be read a resolution of the Massachusetts legislature. As the Clerk proceeded, all eyes turned

upon Senator Sumner, who was eagerly listening. It was a resolution rescinding the vote of censure !

Shortly after the reading, the Senator left the Chamber, and as I parted from him at the door, he shook hands and said, " Good-by ! " It was his last word to me. The next day he was dead !

CHAPTER XX.

OBSTRUCTION.

In all enlightened Governments are found numerous restrictions upon the power of superior numbers, who, without these restraints, might utterly disregard the rights of their weaker opponents. These checks are not based upon mere sentiments of chivalry and magnanimity—they are founded upon the loftier rule of justice. Their object is to protect “the rights of minorities;” and this protection is, in one regard, peculiarly afforded by the Constitution of the United States.

The sixty millions of people who constitute this nation are people of all classes and conditions, and with varied and (in many respects) conflicting interests and views; and it is but proper, and in accordance with our republican system, that these various classes shall be represented in the administration of their common Government. It is because there is *not* perfect harmony of interests and views upon the part of the people that differences and dissensions occur among their representatives in Congress.

There is no absolute protection for the minority in mere “rules of proceedings,” for rules can be suspended, modified, or amended at any time by the majority of the body that has established them, and thus a large majority might ride roughshod over the interests of the minority. Although the standing rules of each House are supposed to provide for the expression of all shades of opinion concerning a matter under

discussion, the majority of each House, when pressed for time, or in other emergencies, and when deemed expedient in order to ensure or facilitate the legislation which they desire enacted, destroy even these "standing rules" by adopting certain *temporary orders*. In such a predicament, when a measure objectionable to the minority is brought forward and is attempted to be put through by the majority in power, the minority have but one recourse—to fight it by motions and arguments intended solely to cause delay and consume time, and by thus reducing the struggle to a question of mere physical endurance, to wear out their opponents and force them to abandon the attempt, or continue the fight until the hour of twelve o'clock strikes on the 4th of March and sounds the death-knell of the Congress and of all the measures which belonged to it. These dilatory tactics are known in the technical language (or rather "slang") of parliamentary procedure as "filibustering."

When the "filibusters," or, as they are styled by their more dignified antagonists, "obstructionists," think proper to adopt this line of action, resort is had to various artifices.

The chief rules that are singled out and utilized for filibustering purposes are those respecting adjournment. Naturally, the primary object of a filibustering movement, if it is evident that the majority intend to push the measure to a final vote, is to terminate the proceedings by an adjournment for the day, and then do the same thing over again should the effort be continued upon re-assembling. Now, it is manifestly proper that the *majority* should always have it within *their* power to terminate their sessions whenever they see fit, as otherwise they would be at the mercy of the *minority*. Hence it is that the motion to adjourn takes precedence over all other motions, and is always in order—except, of course, when a vote is being taken or when a speaker has the floor and refuses to be interrupted, in which two cases *no* motion can be entertained. But

if a motion is made to adjourn and is defeated, "some other business must intervene" before it can be renewed. Next to a motion "to adjourn" in order of precedence, during the pendency of a question, come motions "to take a recess," "to proceed to the consideration of executive business," "to lay on the table," etc. The way these motions are used in filibustering would be somewhat as follows :

Suppose it is five o'clock on Monday afternoon, and that filibustering is going on in the Senate. A Senator belonging to the minority moves to adjourn. The majority, of course, are bent on reaching a final vote on the pending question, and are determined to "sit it out." By force of greater numbers, they promptly defeat the motion. Then the same or another obstructionist moves to take a recess until seven o'clock. This is also defeated. Then the minority move again to adjourn. Also defeated. Then a motion is made to do something else—perhaps to go into executive session (although there may not be any executive business on hand !) or to adjourn to Wednesday, or take a recess until eight o'clock that evening.* Any or all of these motions are made and defeated. The motion to adjourn is renewed with the same result, then comes the motion for recess (lost), then to adjourn (also lost), to take a recess, to adjourn, to take a recess, to adjourn, to take a recess, to adjourn—that is the way it goes, just as persistently as the *pro forma* amendment ; and that's *filibustering* !

* They had an unusual amount of filibustering in the House of Representatives in 1885, wasting day after day of valuable time. Both parties were very stubborn, but the minority finally prolonged the matter so near to the 4th of March that the majority had to "give in." One evening, among a goodly number of other filibustering motions, it was moved to take a recess until a certain hour that night—say twelve o'clock. A "Call of the House" for a quorum, or some other matter that intervened, consumed the better part of the night without a vote being taken on the motion, and the curious spectacle was presented of the members of the House, at *two* o'clock in the morning, deliberating whether they should take a recess until *twelve* o'clock that night—that is, *go back and take a recess until two hours before !*

A motion to adjourn, or to take a recess, or to proceed to executive business, or to lay a matter on the table is not debatable. Accordingly, when such a motion is made, a vote must be taken upon it at once ; and, if decided by a simple *viva voce* vote, which does not take a minute, no advantage is gained, and the minority would soon tire *themselves* instead of their opponents by making motions every other minute or so. This would never do, of course, for if the majority will not consent to any of these dilatory motions, the great point then is to waste time. This is accomplished either by making some motion that *is* debatable, or by the way in which the vote is taken.

There are different modes of taking a vote. First and simplest, there is the *viva voce* vote. Suppose a motion is made to adjourn ; the presiding officer stands up and puts the question thus : " The Senator from North Carolina moves that the Senate do now adjourn. Those in favor of the motion will say 'aye' ; " and then he pauses for a moment while the minority respond, after which he continues : " Those opposed will say 'no' ; " whereupon the majority instantly thunder forth their vote, and the presiding officer, without taking breath, concludes : " The 'Noes' have it, and the Senate refuses to adjourn."

A second way of voting is by " division " or " count," and if demanded, the presiding officer says : " Senators in favor of the motion that the Senate do now adjourn, will rise and stand until counted," and then he takes his seat for a moment while the Clerk takes a lead-pencil and slowly points at the Senators standing, and announces the number to the Chair, who says : " The 'Ayes' will be seated, and the 'Noes' will rise." Thereupon those opposed are counted, and the vote is then announced. In the House, the Speaker does the counting. He grasps the mallet-end of his gavel, and rapidly shakes the handle at the throng. It used to delight me to watch Speaker Blaine

go through that performance. He could move the gavel as fast as a sleight-of-hand man. Of course the Speaker endeavors to count only members of the House, but in the confusion and rapid counting, he is liable to count other persons whom he observes standing, without looking to see who they are, and we pages took advantage of such times to distinguish ourselves. I have often been in the House, with a troop of Senate-pages, all bent upon fun or mischief; and during a count, when everything was in disorder, we would jump up on vacant chairs or other articles of furniture to render us as tall as men, and thus ensure our being counted in the vote. I have no doubt I have thus helped to decide many important questions of interest to the American people. I may mention that we also often voted in the Senate. When the Senate remained in session until late at night, or even during the afternoon when we were tired out, we many a time voted "aye" on a *viva voce* vote to adjourn and thus increased the noise. And we considered such conduct not only justifiable, but really praiseworthy, believing that, inasmuch as by parliamentary rule a motion to adjourn was always *in order*, it necessarily and logically followed that it was always *time* to adjourn.

A third way of voting, often followed in the House, is by "tellers." A demand for tellers being supported by a sufficient number of members, the Speaker appoints two of the Representatives (generally the member making the demand and the member leading the Opposition), and they walk from their seats to the "area of freedom" in front of the desk and shake hands. This hand-shaking is always gone through with, although a few moments before the members designated for it may have been rather angry at each other. Then the Speaker notifies the members in favor of the motion to "pass between the tellers and be counted;" whereupon the minority (for I am assuming that all this voting is pure filibustering) swarm down the aisles leading

from their seats and mass themselves around the tellers, who hurry them through, one at a time, giving each one a tap on the back as he passes through, by way of keeping the tally, the members passing between them surging up the centre aisle, or crowding around the tellers and returning to their seats the shortest way. Then those opposed to the motion pass between and are counted, and the tellers report the result to the Speaker, who in turn announces it to the House.

The first two of these methods are common to both bodies,* and the third is peculiar to the House alone. This last mode necessarily consumes considerable time, but the other methods are comparatively brief. But the Constitution puts into the hands of the filibusters still another formidable weapon—"the demand for the 'Yeas and Nays'!"†

When the "Yeas and Nays" are demanded, the presiding officer of the Senate generally says: "The 'Yeas and Nays' are demanded; is there a second?" and the Senators as a rule raise their hands in such numbers that the Chair goes on to say: "A sufficient number up, and the 'Yeas and Nays' are ordered." Then he rises from his seat and says: "Senators, those of you who are in favor of the motion that the Senate do now adjourn will, as your names are called, say 'aye'; those opposed will answer 'no'; and the Secretary will call the roll." In the House, the members rise upon the question of taking the vote by "Yeas and Nays," and are counted; whereupon the Speaker goes through a similar announcement, always conclud-

* Another way of voting is by "ballot," but it is resorted to only on exceptional occasions, such as in choosing a President *pro tempore* of the Senate, etc. When this is done in the Senate, Captain Bassett and Mr. Christie take the ballot-boxes kept under the Vice-President's desk, and pass them around among the Senators sitting in their seats, each of whom deposits a little folded slip of paper on which he has written the name of the nominee of his choice.

† "The yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal." Constitution, Art. I., Sec. v., cl. 3.

ing with the dreary words—words that call up hideous visions before the eyes of sleepy clerks and pages!—"And the Clerk will call the roll!"



An Energetic Filibuster.

We had some memorable filibustering in my day. On the night of May 22, 1874, a great contest in the Senate over the

Civil Rights Bill culminated in twenty hours of work ! The majority had determined that they would "sit the bill out" that night. So they assembled in force, ready to pass it whenever they might see their chance. The minority were also on hand. Both sides were nearly exhausted. As the hands of the clock approached the hour of midnight, there was scarcely a Senator in the room. I remember that Senator Merrimon led the minority ; Senator Logan "watched" for the majority. Senator Merrimon had the floor, with the unlimited privilege of continuous debate permitted by the rules, and he seemed prepared to talk forever. But occasionally he paused to allow another member of the minority to make a motion to adjourn, upon which the "Yeas and Nays" would be ordered—"And the Secretary will call the roll !"

Those words were the signal for action. "Call up the Senators !" cried Senator Logan ; "Call up the Senators !" came from Senator Merrimon ; and off we went. Well, we called them up—and they voted ! Then Senator Merrimon resumed his speech. After talking for a while, to give his opponents time to disappear and get to sleep, he stopped speaking, and yielded to another of the minority to move an adjournment.

"Call up the Senators !" shouted both sides ; "Call up the Senators !" echoed Captain Bassett. This is how we pages called them. Each of us would rush around through the various rooms, and give one of these sleeping Senators a little tap, shouting, "Yeas and Nays !" and dart away to find another. Sometimes a dozen pages would waken the same Senator. In fact, we usually ran in a line—all together.

Soon the sleepy legislators could be seen creeping into the Chamber from all directions, half awake, with dishevelled hair, and presenting a woe-begone appearance generally. They would mechanically cast their votes, the motion to adjourn would be lost, Senator Merrimon would resume his speech, and

the other Senators, except the "watchers," would again vanish as mysteriously and as noiselessly as the soldiers of Roderick Dhu.

During all this speech-making, most of the minority were asleep. They depended upon Senator Merrimon (as most of the majority depended upon Senator Logan and their other leaders) to wake them at the proper time. They relied upon him to do all the talking. He was, as I say, prepared to do it. But he made a mistake. He remembered the courtesy, but he forgot the rules, of the Senate. He had been yielding the floor to his friends whenever he saw fit, and resuming it again after they had said whatever they wished. Senator Logan at last interfered. He raised the "point of order" that the Senator from North Carolina could not speak "more than twice" on the matter then pending. Senator Merrimon stood aghast! The presiding officer sustained the point of order.

That is where the demoralization of the minority seemed to begin. At ten minutes past seven o'clock A.M. the majority passed the bill!

How would you like to be a filibuster?

CHAPTER XXI.

NIGHT-SESSION INFORMALITIES.

So far as the personal preferences of the pages were concerned, night-sessions were our happy hours. It was then that our propensities for mischief obtained full play. During the waning weeks of a session, when resort was had to evening work, it was customary for the Senate, late in the afternoon, to take a recess, long enough to afford its members and officers an opportunity to bolt their dinners and enjoy a temporary rest.

Upon re-assembling after this recess, the Senate would proceed with its ordinary business of legislation in excellent style. If, as was probable, the House was also in session, the whole Capitol was illuminated, and, as people could not see the flags, a light would be placed in the dome to indicate that Congress was at work. This was a grand sight to a person at a distance. The huge edifice loomed boldly against the evening sky, and shone out in the darkness like a celestial castle, with a splendor that could be seen for miles around. And within the building the scene was still more beautiful—it was brilliant—yes, enchanting, and reminded me of the scenes in fairy-land, of which I had so often read in my younger days.

For the first few hours everyone would realize the romantic beauty of the occasion. Visitors, attracted by curiosity or bent on amusement, would crowd the great building, and the Senators, feeling the exhilarating influence of the scene, would move about the Chamber with a remarkable buoyancy of step

and seem, for the time-being, to have regained the activity of youth.

By midnight, however, there would come a change—a change more to our fancy. The visitors, having “seen the show,” would return to their homes, and leave the galleries to a few idle “owls,” as we called the late stayers. The Senators would gradually grow more and more drowsy, and retire one by one to the cloak-rooms, committee-rooms, or wherever else they could find unoccupied sofas, in the effort to catch a moment’s rest. From this time forward our chief duty was to seek out, arouse, and summon the Senators when wanted.

As the night advanced we began our practical jokes, of which we had a choice variety. When the House-pages were about, we combined our ingenious talents and roamed the Capitol from one end to the other in search of prey. Although, ordinarily, we looked upon one another as enemies, whenever it came down to mischief we were the warmest friends.

Our most formidable and dreaded instruments of torture were mucilage and ink. If we caught one of our number asleep, we treated him with severity as a punishment for his neglect of duty. One night I was so tired that I could no longer keep my eyes open, and I sank upon a sofa in the marble room. When I awoke, I found that a Senator had crawled upon the sofa between me and the wall, and I saw about the room, on the sofas, in the chairs, on the rugs, and on the cold, paved floor, Senators, officers, and others, jumbled together in every conceivable shape—a grotesque and motley crowd!—all in the Land of Nod. I judged from the appearance of some of these sleepers, and from the sensation of my own face, that a band of decorators had passed through the room, and rushed to the mirror at once. My worst fears were confirmed. I was inked over in spots like a leopard, while the mucilage had been applied so freely and had dried so “nicely,” that it peeled off

my face like sheets of mica. Vowing vengeance, I armed myself with a bottle of mucilage and started in pursuit. I soon came up with the vandals ; but seeing from the number that hostilities would be useless, I made a treaty of alliance and joined them in their tour.

After paying our compliments to the Senate side of the Capitol, we would go to the House of Representatives. On one of these rambles we procured the key to a committee-room where we found two of the House-pages, who had gone there for security, locked in each other's arms and the arms of Morpheus. We frescoed them artistically, of course ; and when we had completed our work of ornamentation, their own mothers would not have recognized them. On our return we went through the cloak-rooms of the House, hiding the hats and canes of the members and otherwise enjoying ourselves.

And we had even more distinguished allies than the House-pages. Frequently Senators have met us on our travels, and informed us where we could find a victim. As a reward for such kindness, we made it a point never to seriously molest the countenance of a sleeping Senator ; the most we ever did in that direction was to give him a dash or two of mucilage that caused him to feel funny when he awoke and tried to wrinkle his face. Perhaps the less said on this subject, the better.

Many of our pranks, however, were mild. If we put torpedoes under the gavel, they had no other effect than to make the Vice-President jump, and if we "inadvertently" dropped salt instead of sugar into a glass of lemonade, the Senator for whom it was intended did not, as a rule, discover the fact until he had drained the glass to the dregs and the page had disappeared from sight.

Our best fun began after the adjournment of the Senate late at night. Instead of going to our homes, we obtained the keys to the cloak-rooms or the committee-rooms, and remained at

the Capitol until morning. But not to sleep. That would have been impossible. We were veritable "imps of darkness," and as soon as the corridors were deserted and the lights extinguished, we came forth from our hiding-places.

At times we would move through the halls softly, like ghouls ; at others, as the fancy seized us, we would rend the air with discordant shrieks. On one of these expeditions we made so hideous a din that some of the Senators, who were holding a conference-meeting in a committee-room, requested the police to arrest us. After considerable difficulty the officers succeeded in capturing a few of the pages and put them in a room which went by the expressive name of "the lock-up." But the uncaptured pages continued to shout ; our imprisoned comrades howled more vigorously than before ; and the natural result was that the Senators, finding that they had not bettered their own condition, sent word to have the prisoners released.

There was one page, named Arthur, who hailed from the same State as myself, and was known as my "colleague." Though older in years, he was my junior in length of service. In other words, I was the "senior Senator from New York ;" and he treated me with proper deference, consulting me upon all important matters. He was more or less romantic, and thought that it would be an adventure worth boasting of to spend a night on the dome of the Capitol. So one warm day in summer he came to me and broached his plans. But there was one difficulty in the way of their accomplishment that seemed almost insurmountable. The doors leading to the dome were locked every evening (the police having first required all visitors to descend) and not re-opened until the morning of the next day.

When I told Arthur that I could obtain the keys, he was so delighted that he said : "Well, if you will get them, I will set up a banquet fit for a king." Then after a pause, as if he had

received a sudden inspiration, he exclaimed : “ Yes ; we shall have a banquet, and eat it on the dome. The very thing ! ” And he went into raptures over the prospect, and urged me to go about the matter at once, and also to invite a reasonable number of friends to join in our undertaking.

We decided to have our banquet that same night, after the adjournment of the Senate ; and at the appointed time I appeared at the rendezvous, where Arthur and the other pages were impatiently awaiting me. The jingling of the keys sounded like music to their ears. Arthur, in the meantime, had procured from a caterer a sumptuous repast ; and, thus equipped, we cautiously approached the entrance to the dome and soon had opened the door. Without locking it behind us (a fortunate oversight, as events proved !), we began the ascent of the long and intricate stairs in a joyous procession. I led the way to open the doors, holding, besides the keys, a taper to light our path ; then came Arthur, carrying a heavy basket, while the other pages followed on, each with his arms full of precious packages.

Reaching the dome in safety, we deposited our bundles, and were all duly impressed by the scene before us. Hundreds of feet below lay the city of Washington, with its myriad of twinkling lights. Around its boundaries ran the waters of the Potomac, forming a silvery path that led our gaze toward the south, where the eye could catch the glimmer of the ancient village of Alexandria and the dark outlines of the hills of Maryland. It was a calm, pleasant, beautiful night ! The stars were doing as well as could be expected of such tiny things, and the moon was riding through the heavens with her customary grace—now hiding behind one of the few clouds that, with the best intentions, had come out to help her in her vigil—now emerging into the clear blue of the sky like—like——

But just here we missed Arthur. I walked around to the

opposite side of the dome, and there I found him, staring into vacancy—by which I mean, staring heavenward with a look of profound contemplation worthy of an æsthete. I did not disturb him, but came back and told my companions that he was safe. Then George, who was chronically hungry, remarked that it was a good time to attack the bundles. We instantly began to act upon the suggestion, and devoured the luxuries with marvellous avidity. This interesting proceeding lasted quite a time. As the last hamper was emptied and the last crumb was disposed of, we heard Arthur's footsteps. Without a word, without a signal, we instinctively fled through the door and down the stairs, and in a few moments we heard him following us, screaming at the top of his voice. It was an exciting and dangerous flight; yet on we went through the darkness, the iron steps thundering beneath our feet, the vaulted passages echoing the noise, and the vast rotunda hurling it back with tenfold rage and horror! But we made the descent in safety, and just as we reached the corridor, Arthur burst through the quivering doors, empty basket in hand!

To detail our many escapades would be a very difficult task. We would take up the registers in the cloak-rooms and crawl all about, through the ventilating flues, under the floor of the Senate-chamber, among pipes and other heating and lighting contrivances that, like net-work, ran in every direction, looking for—no one knew what! The fact that we were in utter darkness and that there was an air-well into which we might fall and break our necks, added to the pleasure of such an excursion. With us it was as with Fitz-James, for

If a path be dangerous known,
The danger's self is lure alone.

We had an ambition to go where no one else had ever been; and, with this laudable motive, we extended our ex-

plorations through every opening in the building, whether in the subterranean caverns far below, or in any secret recesses upon the roof which the genius and tender foresight of the architect had left sufficiently large to permit the introduction of a human head. And whenever a boy's head went through, he soon managed to pull the body after it.

Once we crawled into the pneumatic tube, constructed for the purpose of transmitting documents to the Government Printing-office, a half-mile distant; and having crept like an army of snakes, for several hundred feet, backed out again—the tube being hardly wide enough to permit our passage, much less our turning around. We derived immense satisfaction from this exploit. This satisfaction was increased when the engineer informed us, as we emerged begrimed with dust, that in another instant we would have been annihilated by the ball that, filled with documents, was shot with lightning velocity from the farther end. This may have been true, or it may have been said to deter us from such deeds. At any rate, we frequently repeated the adventure.

Our roving were often rewarded by finding rooms and articles the existence of which few about the building knew or suspected. In the large room of pillars immediately above the crypt, there was a trap-door. Once, opening this, we descended an old stone staircase, and, reaching the bottom, soon found ourselves in a circular room, damp and cold, and nearly filled with broken statuary of every description—statesmen, griffins, lions, and other images. The flickerings of our lights against these marble figures produced a ghastly effect that threw us into an ecstasy of bliss, and thereafter we always used this room as a retreat in which to conduct our midnight revels. It was there we also held our solemn conclaves; and the spectacle of such a session, in that weird and dismal place, would have chilled the blood of a beholder and caused him to think

of the terrors of the Inquisition and the fearful deliberations of the Council of Three!

We imagined, also, that a band of brigands might be lurking somewhere in these secret regions; and, to frighten them away, we prowled through the subterranean corridors and cellars, shouting with all the eloquence of healthy juveniles, and assisting our lungs by beating on tin pans and other musical instruments. And although we were then down in the depths of the earth, where probably none but pages had ever trod (or would have cared to tread) since the laying of the foundations of the Capitol, and surrounded by massive walls of masonry, we made ourselves heard throughout the building; and the Goddess of Liberty upon the dome, hundreds of feet above, must have shuddered to think of the pandemonium over which she was thus forced to preside!

CHAPTER XXII.

INTO THE HURLY-BURLY.

But the most interesting excursions, after all, were those to the “Cave of the Winds,” where the sound-waves roar and rumble and dash against one another like the breakers of the sea, and where the moving stalagmites and eyeless fish—What’s that you say? You do not know where it is? Why, I am surprised! No, it is not down in your geographies. The “Cave of the Winds” is one of the titles by which the House of Representatives is known. Perhaps it is irreverent to speak of it in that way; but I may say with truth that while the House of Representatives is undoubtedly a very important assembly, it is also a very noisy body. This, however, constitutes its chief charm to a great many sight-seers.

Visitors to Washington who like to inhale the heavy atmosphere of philosophy generally make a brief visit to the Senate, and, after thus preparing themselves, drop into the Supreme Court room and gratify their philosophic desires to their hearts’ content. There they will sit for hours and listen to the black-gowned judges and black-letter lawyers discussing grave questions of constitutional law and quibbling over the subtleties and refinements of modern pleading—now engrossed in a matter weighty with the problems of human government and civil liberty, now with equal solemnity wending their way through a labyrinth of technicalities and forms that have come down from antiquity, venerable with age, to the mind of the lawyer,

but, to the ear of the ordinary man, as bewildering and absurd as the everlasting fable of John Doe and Richard Roe, or the "special traverse with an *absque hoc*." But such as retain their youthful love of entertainment go to the House of Representatives. There is something captivating about the continuous buzz buzz-buzz that distinguishes that body, in so marked a manner, from the Senate.

Not long ago I was in the gallery of the Senate listening to a very important discussion. The subject was one in which the average American would be supposed to take a deep interest. Near me sat several fellow-citizens who seemed to be considerably "bored." Finally one got up and, addressing his companions, said: "Well, I've had enough of this. Let's go over to Congress (!) and hear them talk!" And they went there—that is, to the House. I wonder what they thought the *Senators* were doing!

But there is no doubt about it that the Representatives *do* talk. That is the great trouble—they all seem to talk at once. A person should have about three hundred and twenty-five ears to keep track of one of their running debates.

The babel of voices in the House is really perplexing to one accustomed to the serenity of the Senate. There is as much difference between the two bodies of Congress in this respect as there is between the quiet of a country church and the turmoil of a city. If you wish to test the matter, when in Washington, let me tell you how to do it. First go to the Senate, then walk right across to the House. Another good plan is to go to the House just as it is called to order. I have tried that experiment. As I entered the gallery the Speaker brought down his gavel. There was instantaneous silence. The members rose to their feet, and the Chaplain offered his prayer. After that, the noise broke out. Then I tried to analyze it. I did not succeed very well; but there was in it a little of

everything that makes a noise, from the little fly to the raging ocean. It was a buzzing, gurgling, and roaring, all combined in one general noise !

How far the title of "Cave of the Winds" is due to the acoustic properties of the Hall, I do not know. But I know one thing—the sound-waves could not clash unless put in motion. Now, what puts them in motion ? I shall tell you.

The galleries contribute somewhat to this noise, but the members are chiefly responsible for it. They gather around the desks, or stand in the narrow aisles, or in the area behind the outer row of seats, and discuss, in knots of from three to a dozen or more, some interesting question of politics, or possibly narrate funny anecdotes. And it is a very usual sight to see one of the Representatives making a "spread-eagle" speech, beating the air with his arms and shouting vehemently away, and not one of his three hundred and twenty-four associates showing the least interest in what he is saying. Of course, everything that is said by such a speaker is taken down by the reporters, so that the other members do not lose anything by not listening. Frequently a Congressman does not go to the trouble of delivering a speech, but writes it out and then obtains leave of the House to have it printed in the *Record*, where it can be seen by those who may be sufficiently interested to read it.

Sometimes, however, a member thinks that he would at least like the privilege of hearing himself talk, and becomes annoyed by the excessive confusion in the Hall. Then the Speaker will command order and exert all the muscles of his good right arm in beating with the hammer. But often the other members persist in their conversation, notwithstanding the Speaker's cry of "Order !" each group of culprits feeling that it is not making much noise and ignoring the fact that every whisper adds to the objectionable disturbance. Under these circum-

stances it often becomes necessary for the Speaker to take extreme measures ; and the most effective way to secure quiet is



" Everyone Retreats before the Symbol of Authority, and Retires to His Proper Place."

for him to suspend the proceedings and direct the Sergeant-at-Arms to take the mace and force the members to take their

seats. When so directed by the Speaker, the Sergeant-at-Arms carries the mace in front of him, and, as he walks about the room, everyone retreats before the symbol of authority, and retires to his proper place. To face it would be to oppose the power of the House of Representatives. Silence being thus restored, the proceedings are resumed. It generally happens, however, that before you can say "Jack Robinson" most of the members are "at it again," engaged as deeply as ever in conversation, and violating the injunction of their presiding officer. It is almost an impossibility to make three hundred men fold their arms like school-boys, and the Speaker hardly expects to do more than preserve sufficient order to enable the reporters to hear what is being said.

If an entertaining speaker obtains the floor, the members will cluster around his chair and clog the aisles and the area of freedom—only to be driven back to their seats by the Sergeant-at-Arms. I have seen such a crowd dispersed by the Speaker half a dozen times in an hour—but back they were sure to come. They are as curious as boys, and fully as impetuous. They do not seek to repress their emotions; on the contrary, they show their anger or their pleasure in various ways and on slight provocation. I was in the House several years ago when a bill was returned to it by the President with his veto. The friends of the measure, having the necessary two-thirds, at once passed it over the veto, and they were so delighted at "beating the Executive" that they laughed and cheered and threw papers, documents, and hats into the air, while the minority hissed and groaned. Such scenes are by no means infrequent. The Senators, in that instance, perhaps thought they would give the House a chance to learn decorum—so they refused to pass the bill over the veto when it came to them.

When it comes to the important question of voting, the members do not keep silence. If a "division" or "rising"

vote is ordered, you will hear them shout, "Up! up!" or, "Down! down!" as the case may be, to warn their friends what to do; and on nearly every roll-call of the "Yeas and Nays" the Speaker is compelled to suspend proceedings and direct members to be seated, in order that the Clerk may hear the responses of the voters.

Such a state of affairs does not always exist. I have seen the House of Representatives almost as quiet as the Senate. But that was late at night, when most of the members were asleep, or when there was some august ceremony going on—such as the counting of the electoral votes, at which time the Senate and House met in joint convention. The awful majesty of the Senators and the Senate-pages probably had a quieting effect upon the Representatives.

Yet even in repose they show their easy manners. A Senator, however sleepy he might be, would not even dream of hanging his boots to the chandelier or gas-brackets on the wall and taking a nap on a sofa in the Senate-chamber. He would retire to the cloak-room or some other secluded place. Upon reflection, there are no chandeliers or brackets in the Senate-chamber. But they have them in the House, and they use them, too. I have seen boots hanging up in a row like Christmas stockings, with the owners sleeping peacefully under them in full view of the visiting public, while bad House-pages, from the gallery, dangled burnt corks attached to strings over the faces of the dozing legislators.

Neither would a Senator doff his coat and walk about the room with an iced towel to his head, no matter how oppressive the heat of the midnight air. But I have seen such things in the House. Neither would a Senator be likely to take the Vice-President's chair during a recess and preside over a mock session of the other Senators. But I have seen that done in the House. Neither would the presiding officer, during a lull in the

proceedings of the real Senate, lean back in his seat and talk with the newspaper reporters in the gallery above. But I have witnessed such performances during night-sessions of the Lower House.* Neither would the Senators, during another lull in the proceedings, join lustily in the tune of "John Brown's Body" or "Finnigan's Wake." Yet I have heard the House shouting these and other lively songs, in the early hours of the morning. Indeed, so well known are the boyish propensities of the Representatives, that their Speaker recently found it necessary to caution them, when about to enter upon an evening session, not to disgrace the country and themselves by unbecoming conduct!

But I will tell you more in regard to the differences between the two Houses anon. The design of this chapter was merely to point out one feature of dissimilarity—the noise. In fact, the uproar is almost incessant. It may stop for a moment—but only to swell out again louder than before. When *nothing* is being done, it is "very, very bad;" when *something* is being done, it is "horrid!" By "nothing being done" I mean nothing apparent in the shape of legislation. Some folks, you know, do not believe in a state *less* than nothing—as degrees below zero, or the negative quantities in algebra, like " $-x$;" and this causes a witty editor to remark that such sceptics ought to have watched the proceedings of the last Congress. But I think editors should not joke about the House in that fashion—don't *you*?

* It is proper to say that I never saw the Speaker himself do this; but I have seen it done by members whom the Speaker has called to the chair to act in his absence.

CHAPTER XXIII.

A REGAL AFFAIR.

I was present in the House, by the way, on one entirely novel occasion. After the filibustering on the Civil Rights Bill, no ceremony or event of special significance, so far as I remember, disturbed the ordinary routine of legislation of either body, and the first regular session of the Forty-third Congress came to an end, in pursuance of a concurrent resolution, agreed upon by both Houses, on the 23d of June, 1874. On the 7th of December, 1874, the second session began, and within a few days we were brought face to face with the unique affair it now becomes my duty to record.

In that year the King of the Sandwich Islands visited this country. The dominion of that monarch is not very extensive ; still, he was regarded as a distinguished personage, and both Houses of Congress determined to accord him a reception. On December 14th, at the instance of Senator Cameron, Chairman of the Committee on Foreign Relations, a concurrent resolution was adopted by the Senate in this form :

Resolved by the Senate (the House of Representatives concurring), That a joint committee of two from the Senate and three from the House of Representatives be appointed by the Presiding Officers of the respective Houses to take measures for the proper notice of the presence at the capital of His Majesty Kalakaua, the King of the Hawaiian Islands.

On December 17th, the House having meanwhile concurred in the resolution, and the committee having been appointed,

Senator Cameron reported to the Senate that the committee had called upon His Majesty and invited him to visit the Capitol on the next day (Friday, the 18th), and that the invitation had been accepted. The programme arranged by the committee was brief and simple :

The Senate and House will receive King Kalakaua, at a quarter after twelve o'clock on Friday next, in the Hall of the House of Representatives. The Vice-President of the United States and the Speaker of the House will preside. Senator Cameron, chairman of the joint committee on reception, will present the King, and the Speaker of the House will welcome him.

On the following day, in accordance with this arrangement, the Senate, immediately upon assembling, took a recess until one o'clock, and the Senators strolled into the President's room where the King was holding an informal reception. This private hand-shaking over, the Senate as a body marched to the Hall of the House. It goes without saying that the Capitol was crowded with visitors. Indeed, the crush blocked the corridors, and many ladies could not get even to the stairways leading to the galleries. A member of the House, learning of this painful fact, moved that they be admitted into the Hall, a courtesy which was unanimously extended.

Exactly at a quarter past twelve, the Doorkeeper of the House announced the presence of the Senate, and, as the Representatives rose according to custom, the Senators and pages proceeded to the places reserved for them, and Vice-President Wilson took the chair by the side of the Speaker.

Ten minutes more, and the Speaker's gavel sounded ; the Senators and Representatives, obeying the injunction, rose, and the King and his retinue, in citizen's dress, entered the Hall and marched down the centre aisle to seats placed in the area of freedom—His Majesty walking between Senator Cameron and

Representative Orth (Chairman of the House Committee on Foreign Affairs), the imperial attendants being escorted by other members of the reception committee.

Senator Cameron, addressing the Speaker, said: "I have the honor to present to you His Majesty the King of the Hawaiian Islands."

Then Speaker Blaine stood up, bowed to the foreign guests, and said:

"Your Majesty! On behalf of the American Congress, I welcome you to these Halls. The Senators from our States and the Representatives of our people unite in cordial congratulations upon your auspicious journey, and in the expression of the gratification and pleasure afforded by your presence in the capital of the nation, as the nation's guest.

"Your Majesty's appearance among us is the first instance in which a reigning sovereign has set foot upon the soil of the United States, and it is a significant circumstance that the visit comes to us from the West and not from the East. Probably no single event could more strikingly typify the century's progress in your Majesty's country and in our own than the scene here and now transpiring.

"The rapid growth of the Republic on its western coast has greatly enlarged our intercourse with your insular kingdom, and has led us all to a knowledge of your wisdom and beneficence as a ruler, and your exalted virtues as a man. Our whole people cherish for your subjects the most friendly regard. They trust and believe that the relations of the two countries will always be as peaceful as the great sea that rolls between us—uniting and not dividing!"

The King, being afflicted with a severe cold and hoarseness, requested one of his attendants, Chief Justice Allen, of the Hawaiian Islands, to read his reply to the Speaker's address, which Judge Allen accordingly did, in these words:

“ Mr. Speaker : For your kind words of welcome I most cordially thank you. For this distinguished mark of consideration I tender to the honorable Senate and House of Representatives my highest sentiments of regard. It is in accord with the very courteous and generous treatment which I have received from the Executive department of the Government, and from all the people whom I have had the pleasure to meet since I landed on the shores of the Pacific.

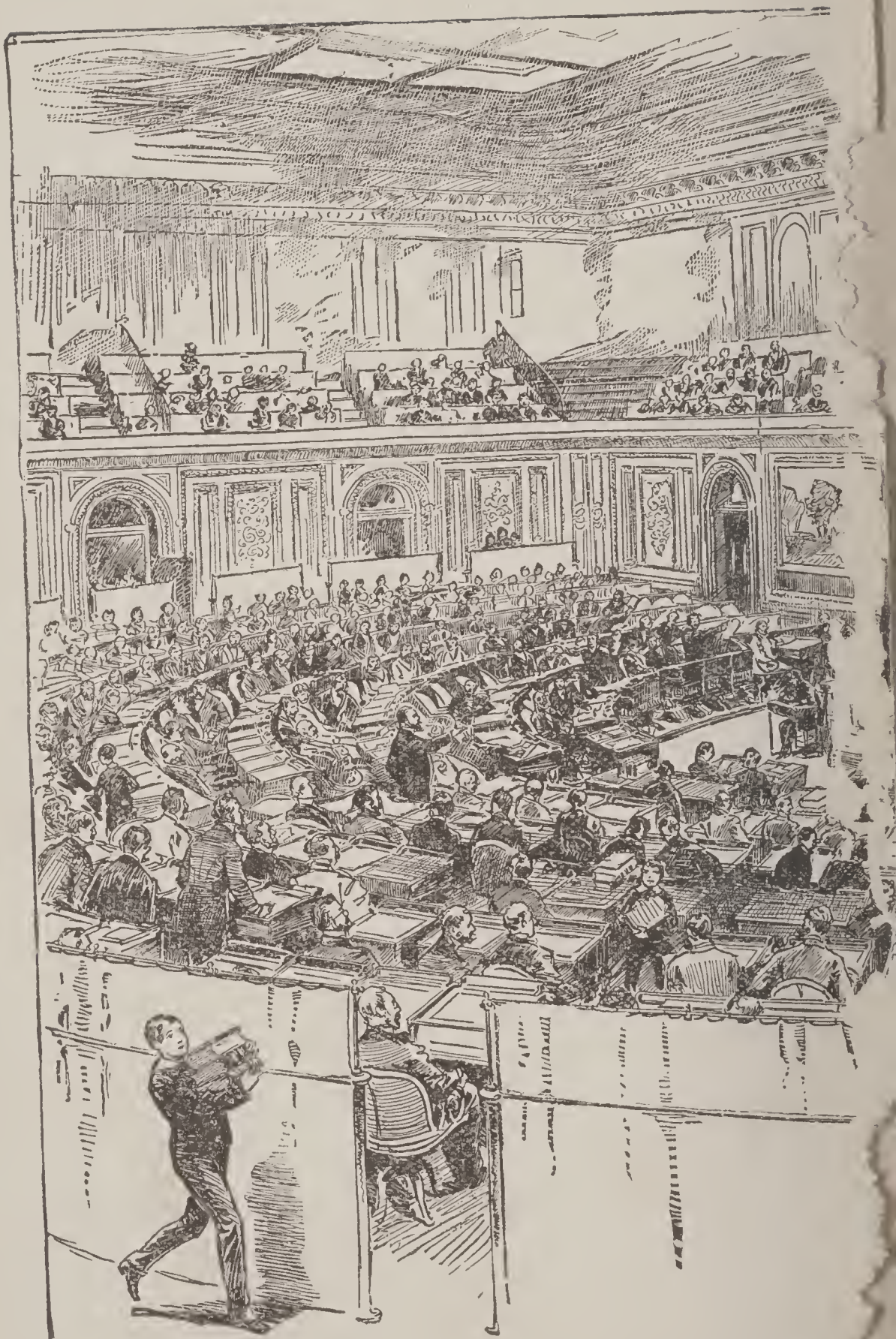
“ I appreciate the complimentary terms in which the honorable Speaker has referred to me personally. For any success in government and for our progress in a higher civilization we are very much indebted to the Government and people of this great country. Your laws and your civilization have been in a great degree our model.

“ I reciprocate most cordially the hope for the continuance and growth of friendly relations between the two countries.

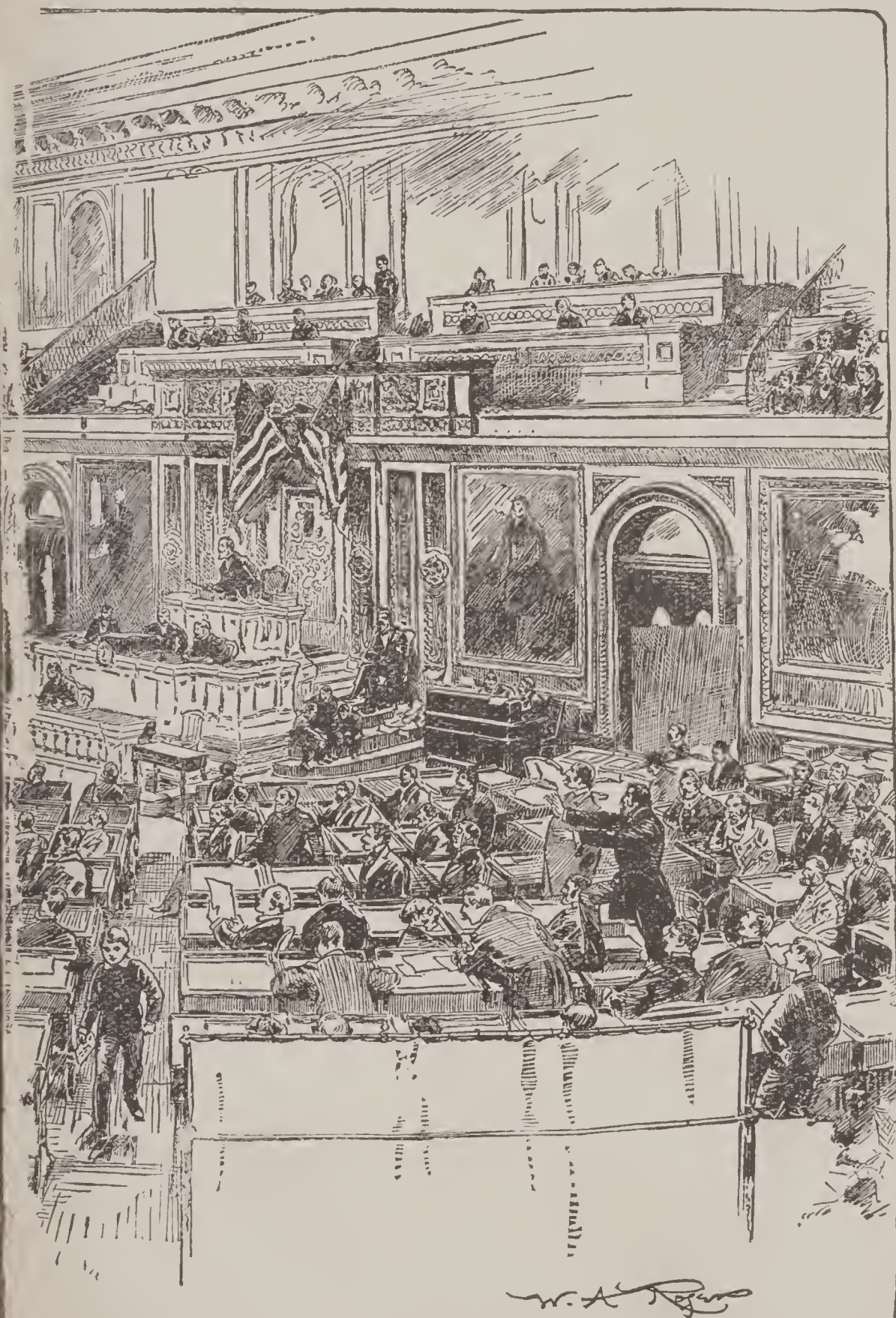
“ I am most happy, gentlemen, to meet you on this occasion.”

Speaker Blaine then descended from the platform and was personally introduced to His Majesty. After exchanging a few conversational remarks, he returned to the chair and rapped with his gavel. The Senators and Representatives again rose, and the King and his suite retired from the Hall. The Senate immediately followed, and returned to its Chamber, and Vice-President Wilson, calling it to order, said that if there was no objection the session would be considered as resumed. The time allowed for the recess had not expired, but as the Senators concurred in the suggestion of their President this slight irregularity was of no consequence.

So ended the ceremony—a ceremony which naturally inspired comparison with that of February, 1873. Then the two Houses met in joint convention to announce to the world the name of the next chief ruler of our country ; at this time, they



The House



tatives at Work.

met to welcome, in the name of our people, the newly-installed chief ruler of a neighboring State. And there was one other feature of similarity. The Senate, being again demoralized by its visit to the House, within a few minutes after reassembling adjourned—not for a day, but until the following Monday. The House, on the other hand, at once proceeded to the consideration of business, and, probably before the King had fairly left the precincts of the Capitol, the Representatives discussed and passed a bill relating to the ravages of unfriendly grasshoppers.

Whatever else may be charged against the American people, ingratitude and selfishness are not national characteristics. Not alone to kings have we opened the doors of hospitality.

In 1824, Congress, learning that the Marquis de Lafayette desired to see again the land for whose independence he had been willing to risk his fortune and his life, asked the President to invite him, in the name of the nation, to visit us, and the President did so, offering to bring over the Marquis in a “ship of the line.” Lafayette accepted the invitation, but declined the ship. His progress through the country, we are told, resembled a continuous triumphal procession; and Congress, in consideration of his important services and expenditures during the American Revolution, voted him a grant of \$200,000 and a township of land, which fact was gracefully communicated to him by a committee appointed for that purpose. He returned to France in one of our vessels, named in his honor the *Brandywine*; and upon his death, Congress further testified to the affectionate regard of the American people by passing resolutions of esteem.

In 1851, another celebrated man visited us. He was Louis Kossuth, the Hungarian patriot. The exiled chieftain was tendered a formal reception by each House of Congress on separate days, and again the crowd was so great in the Senate-chamber

(now the Supreme Court room), that the newspaper reporters voluntarily relinquished their seats in order to make room for the ladies. This act of gallantry was deemed so remarkable that special mention was made of it in the official record of debates.

The law-makers also gave Kossuth an elegant banquet, at which Daniel Webster, General Cass, and other eminent statesmen made addresses. It was at this banquet that Kossuth delivered the speech which opened with the famous parallel between the Senate of Rome and the American Congress. As one of the highest tributes ever paid to our Republic, it is pardonable to quote here the lines :

SIR : As once Cineas, the Epirote, stood among the senators of Rome, who, with a word of self-conscious majesty, arrested kings in their ambitious march, thus, full of admiration and of reverence, I stand among you, legislators of the new capitol, that glorious hall of your people's collective majesty. The capitol of old yet stands, but the spirit has departed from it, and is come over to yours, purified by the air of liberty. The old stands, a mournful monument of the fragility of human things ; yours, as a sanctuary of eternal right. The old beamed with the red lustre of conquest, now darkened by the gloom of oppression ; yours is bright with freedom. The old absorbed the world into its own centralized glory ; yours protects your own nation from being absorbed, even by itself. The old was awful with unrestricted power ; yours is glorious by having restricted it. At the view of the old, nations trembled ; at the view of yours, humanity hopes.

To the old, misfortune was introduced with fettered hands to kneel at triumphant conquerors' feet ; to yours, the triumph of introduction is granted to unfortunate exiles, who are invited to the honor of a seat. And, where kings and Cæsars never will be hailed for their power and wealth, there the persecuted chief of a down-trodden nation is welcomed, as your great Republic's guest, precisely because he is persecuted, helpless, and poor. In the old, the terrible *we victis* ! * was the rule ; in yours, protection to the oppressed, malediction to ambitious oppressors, and consolation to a vanquished just cause. And, while from the old a conquered

* Woe to the conquered !

world was ruled, you in yours provide for the common federative interests of a territory larger than that old conquered world. There sat men boasting that their will was sovereign of the earth ; here sit men whose glory is to acknowledge “ the laws of nature and nature’s God, and to do what their sovereign, the people, wills.”

Other instances of Congressional ovations might be added. But while we have received visits from Chinese and Japanese commissions, from princes and grand dukes, and from many private notables, the proceedings described in the first part of this chapter were, as I have said, unique. According to the remarks of Speaker Blaine, King Kalakaua is the first reigning monarch that ever set foot upon our shores. Hence his arrival created quite a stir. A year or so later the Emperor of Brazil paid us a visit ; and not long ago another ruler from the South made a tour of our country. But to King Kalakaua should be given the credit of having set them an example.

Wherever the King went he was the recipient of attention. Indeed this attention seemed to some people to border on homage and servile adulation. The Governor of New York, as chief magistrate of a State inhabited by more than five millions of people, is the head of a truly Empire State ; but he might pass from one end of this country to the other without creating the slightest flutter. And yet, as was said by a keen observer who remarked upon this peculiar phase of the affair : “ The governor of a mild-eyed race of diminishing people, numbering scarcely sixty thousand persons, has been travelling through the country, and has been regarded with great interest, followed by crowds, and studied by curiosity, because he was called—a King.” And when I reflect, as did the learned critic, upon how, when the monarch reached Providence, “ red and blue lights were burning in his honor, and committees were in waiting, and an immense crowd stood hurrahing and rushing and saluting the majesty of Hawaii” ; and how, “ as the

regal party passed along, and committees and high officers of state and the great good-natured multitude showed the King every mark of honor and respectful interest;” and as I reflect, also, upon “the ceremonious dinner at the White House and the reception of both Houses of Congress,” and “the courteous attentions of the New York municipality,” and a number of other details—I am tempted to admit that there is, after all, some value in a name, and that the critic’s gentle sarcasm about all this fuss and parade was not entirely undeserved.

In the hearty welcome to Lafayette, the people simply evidenced their feelings for a man whose achievements and virtues entitled him to honor and to love. In the reception to Kosuth, we see a sentiment which he himself discerned and which he eloquently eulogized. In the Kalakaua scenes, we may, perhaps, perceive a trace of that undemocratic spirit which lurks at home and which abroad delights to dance attendance upon Royalty—we may, upon the surface, find a trace of that, but I prefer to find in the demonstration simply an expression of national generosity and good-will.

CHAPTER XXIV.

FOREIGN RELATIONS.

While our "simplicity" and certain other phases of our national life provoke from foreign powers a kindly smile, we take the criticisms in the spirit in which they are offered—and go serenely on our way. If, occasionally, we feel inclined to smile at them, we should always do it with good humor. They all have confidence in our integrity and honor. Let us repay, with international courtesy, the compliment of esteem.

It is a fundamental principle of public law, recognized throughout the civilized world, that all nations are "equal in respect to each other, and entitled to claim equal consideration for their rights, whatever may be their relative dimensions or strength, or however greatly they may differ in government, religion, or manners."

By reason of this equality and independence, each nation has a right to manage its own affairs in its own way, free from dictation or interference on the part of any other power. And as every state is entitled to make and enforce such laws as it may deem proper for the people residing within its dominion, so, on the other hand, as necessarily follows, a state has no right to extend the operation of its laws beyond its own territory and into the dominion of another nation, without the consent of such nation.

In their intercourse with one another, nations are controlled by what is known as the "Law of Nations," an unwritten code

of rules sanctioned by usage and based upon principles of natural justice. These rules, however, are not sufficient to cover commercial details and other matters of international concern, and hence it is necessary for nations to enter into treaties or other formal compacts, in writing, in order to define with exactness their respective rights and duties growing out of special relations.

To preserve international concord and guard international interests, nearly every government has its representatives in foreign countries. These representatives are of two classes—the diplomatic officers, who are stationed at the capitals of foreign states, and constitute what are termed “legations” or “embassies ;” and the consular officers, who are stationed at the chief ports and business centres of foreign lands.

The diplomatic officers are of chief dignity. In official circles various grades are recognized, ambassadors being at the head. The highest title our Government permits any of its diplomats abroad is that of “envoy extraordinary and minister plenipotentiary ;” and, as a consequence, the leading, and even the smaller, foreign governments reciprocate by sending to us diplomats of no higher rank than those with whose presence we honor them. Our legation at London now consists of an envoy extraordinary and minister plenipotentiary and two secretaries of legation ; the British legation at Washington consists of an envoy extraordinary and minister plenipotentiary, a secretary of legation, a naval attaché, two second secretaries, and a civil attaché. Our chief representative at Copenhagen combines both diplomatic and consular functions, and is known as “minister resident and consul-general.” Denmark’s representative at Washington is also a minister resident and consul-general. We send to St. Petersburg, as our chief representative, an envoy extraordinary and minister plenipotentiary ; Russia sends to Washington an envoy extraordinary and minister plenipoten-

tiary in return. Great Britain sends to St. Petersburg a full-fledged "ambassador;" Russia returns the compliment by sending an "ambassador" to London. In this matter we have not as much style as we perhaps ought to have; there is no reason why we should not give our representatives a rank equal to that of the representatives of other first-class powers.* But this is another evidence of our "simplicity."

Through the diplomatic officers of a government treaties with foreign powers are arranged, and other official negotiations and correspondence are conducted. Representing as they do the majesty of the government which sends them, an insult to them would be an insult to that government. They are surrounded by an invisible halo of sovereignty. Indeed it is not proper, in diplomatic etiquette, to speak, for instance, of "Her Britannic Majesty's Legation *in* the United States;" the term should be "Her Britannic Majesty's Legation *near* the United States," for in theory they are not *in* our dominion, as admission of that fact might imply that they are subject to our authority.

Under the law of nations, public ministers are entitled to peculiar privileges and immunities. As concerns the Diplomatic Corps at Washington, Congress has enacted that every person who "assaults, strikes, wounds, imprisons, or in any other manner offers violence to the person of a public minister, in violation of the law of nations, shall be imprisoned for not more than three years, and fined at the discretion of the court." Indeed, the statute goes further and declares that no writ or process shall be valid "whereby the person of any public min-

* In other chapters of this work, the term "ambassador" occurs in connection with the Diplomatic Corps at Washington and in reference, also, to our own representatives abroad. Wherever thus used, it should be understood in its popular significance, as meaning "the person invested with, and exercising, the principal diplomatic functions," whether such person is styled "envoy," "minister," "chargé d'affaires," or enjoys any other designation.

ister of any foreign prince or state, authorized and received as such by the President, or any domestic or domestic servant of any such minister, is arrested or imprisoned, or his goods or chattels are distrained, seized, or attached ; ” and, further still, that “ whenever any writ or process is sued out in violation of the preceding section, every person by whom the same is obtained or prosecuted, whether as party or as attorney or solicitor, and every officer concerned in executing it, shall be deemed a violator of the law of nations, and a disturber of the public repose, and shall be imprisoned for not more than three years, and fined at the discretion of the court.”

But this immunity does not permit of much abuse. If a government should send to this country a minister whom, for any reason, we do not care to receive, the President need not recognize him ; or should he be received by the President and afterward prove objectionable, we need not tolerate his company longer. Our Government could notify the foreign government and request the recall of its minister ; and should he not be recalled, the President could present him with a safe-conduct to our border and politely invite him to “ Go ! ”—an invitation which a prudent diplomat would lose no time in accepting. On more than one occasion we have stood upon our rights.*

The consular officers attend to commercial interests, collect statistics of foreign resources and trade, and perform other highly important duties. Our consular service (embracing “ consulates-general,” “ consulates,” “ commercial agencies,” and “ consular agencies,” distinctions which vary the titles of the officers in charge) is quite extensive. As to the immunities of

* Only a few years after the establishment of our Government, we were constrained to demand of France the recall of an insolent minister she had sent to us. Not many years later, France refused to receive our envoy (Mr. Pinckney), and ordered him to quit the country, and subsequently ordered away two out of three diplomatic representatives (Pinckney, Marshall, and Gerry) whom we had sent over to negotiate a treaty.

consular officers in this country, I may note, that while a foreign consul is not privileged from arrest or suit, yet, as in the case of a public minister, if he himself wishes to sue, he is accorded the high right of instituting proceedings in the Supreme Court of the United States.*

During our national career we have entered into scores of treaties, armistices, postal conventions, and other compacts with foreign governments, and we have, in other ways, made good use of our diplomatic and consular officers abroad. One of our latest achievements in the treaty line is "A Treaty of Peace, Friendship and Commerce," which was concluded at Antananarivo, on the 13th of May (17th of Alakaosy), 1881, between the United States of America and the Kingdom of Madagascar. In the negotiations and drafting of the treaty, the United States acted through a representative under the instructions of the Secretary of State; and Her Majesty Ranavalomanjaka, Queen of Madagascar, was represented by Ravoninahitriniarivo, who signs his Malagasy title thus: "15 Voninahitra, Off. D. P. Lehiben ny Mpanao Raharaha amy ny Vahiny" (which means, I suppose, "15th Honor, Officer of the Palace, Chief Secretary of State for Foreign Affairs"), and by a man of the name of Ramaniraka, whose title I forget.†

I may also, as a faithful chronicler, casually remark that we have not fulfilled some of our international obligations. A treaty is, to be sure, merely a contract between nations, and, therefore a nation has the sovereign power to abrogate it if it so desires; but to annul a treaty without the consent of the

* As noted in another chapter, our ministers and consuls to certain countries have been vested by Congress with judicial powers; but the exercise of those powers depends upon treaty stipulations with the half-civilized states within whose territory the ministers and consuls are stationed.

† Our Siamese friends outdo the Madagascar people in length of names. Their minister of posts and telegraphs, according to last advices, is none other than H. R. H. Somdet Phra Chow Nong Ya Tho Chow Fa Bhanurangse Swangwongse Krom Hluang Bhanuphanduwongse Woradej.

other nation which is a party to it, for no other reason than that its conditions are irksome or disadvantageous, is an act of bad faith, as much so as for one man to break his solemn covenant with another. Only ten years after our Government started on its way, Congress annulled two treaties (one of "Alliance," and the other of "Amity and Commerce") which we had made with France in 1778. The excuse given was that the treaties had been "repeatedly violated on the part of the French Government." That was sufficient justification. I might mention an instance of more recent date, however, where that justification did not exist; and I could also point out other instances where we have silenced our national conscience and tarnished our reputation for fair play.

Despite occasional deeds of belligerence, we have performed the rôle of peace-makers. And not only has our Government acted as mediator to settle the conflicting claims of rival powers, but the same good service has also been done for us. I have now before me the curious proofs of this fact.

In the early part of this century we had a second war with Great Britain. There was, at that time, a saying that "*once a British subject, always a British subject.*" In other words, the English Government maintained (and in doing so, it merely announced a doctrine then generally accepted among nations), that an Englishman could not cast aside his allegiance to his native country; and, acting upon that doctrine, it undertook to search American vessels for the purpose of seizing and impressing into its own naval service sailors of English birth.

Now, foreigners are at liberty to come to our shores, and, upon complying with certain conditions, may become naturalized citizens of this country, and secure that protection which our Government ensures to native-born citizens.* On the other

* The Constitution (14th Amendment) thus defines American citizenship: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof,

hand, an American citizen is free to leave this country, cast off his allegiance to our Government, and become a subject of any foreign state willing to receive him as such. This "right of expatriation" is expressly declared by Congressional enactment.*

But an American citizen, native-born or naturalized, while he remains a citizen and properly conducts himself, is entitled to the protection of his Government; and the parental solicitude and the power of that Government are supposed to follow and watch over him, wherever he may go, even to the uttermost parts of the earth.†

are citizens of the United States and of the States wherein they reside;" and Congress (by statute of April 9, 1866) has declared: "All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States." Congress has also enacted (April 14, 1802, and February 10, 1855) that, "All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States;" and, "Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen."

* The provision (Act of July 27, 1868) is as follows: "Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic."

† The Act of July 27, 1868, provides: "All naturalized citizens of the United States, while in foreign countries, *are entitled to and shall receive* from this Government the same protection of persons and property which is accorded to native-born citizens." And further: "Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand

Whatever may have been the justice of England's claim to expatriated subjects under the public law as then understood, her "right of search" our Government would not and could not, with dignity or decency, concede; and when, in the exercise of that pretended right, British commanders seized and impressed into the British service American citizens, our national honor became involved and called for action.

Without further discussing the right or wrong of this matter, I hazard the statement, in passing, that responsibility for the War of 1812 rests largely upon us. The controversy as to the right of England to impress American seamen into its service could have been, it seems, satisfactorily adjusted by diplomacy. A treaty was negotiated with Great Britain, and that Government assured our representatives that the asserted right of impressment would be abandoned. But President Jefferson, for reasons of his own, quietly put the draft of the treaty aside, without letting the Senate know anything about it,—and bequeathed to his successor in office the trouble which the ratification of that treaty might have averted.

On the top of the offenses already mentioned came the memorable "Decrees of Berlin and Milan," issued by the war-like Napoleon, and the retaliatory "Orders in Council," issued by the British Government. These decrees and orders virtually closed the ports of Europe to American vessels, and played havoc with American commerce.

The story is a complicated one, and I must ask you to study your histories for the exact condition of Europe and this country at that period. To bring England to terms, Congress refused to allow vessels to leave American ports. A "non-

the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress."

intercourse " policy was adopted and maintained. As the years went by, American merchants became desperate. Finally Mr. Erskine, the British Minister at Washington, concluded a treaty calculated to restore good feeling and commercial prosperity. The English Government refused to ratify the treaty. It contended that Mr. Erskine had exceeded his authority, and sent over in his stead, as Minister, a Mr. Jackson,—“an appointment,” says a worthy historian, “not agreeable in America, and probably not meant to be.” Our Government declined to treat with Mr. Jackson. Popular feeling ran high. The crisis came—Congress declared war! As you may never have seen so terrible a document, let me give this Declaration of War as another specimen of legislative action :

An Act declaring War between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That war be and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland and the dependencies thereof, and the United States of America and their territories ; and that the President of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States, commissions or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof.

Approved, June 18, 1812.

Having declared war and authorized the President to grant letters of marque and reprisal, the Congress found it expedient, in the prosecution of that war, to use its constitutional power to “make rules concerning captures on land and water.”

So the next year it enacted the following law, which conveys a fair idea of "war legislation:"

An Act to encourage the destruction of the armed vessels of war of the enemy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the present war with Great Britain, it shall be lawful for any person or persons to burn, sink, or destroy, any British armed vessel of war, except vessels coming as cartels or flags of truce; and for that purpose to use torpedoes, submarine instruments, or any other destructive machine whatever; and a bounty of one half the value of the armed vessel so burnt, sunk, or destroyed, and also one half the value of her guns, cargo, tackle, and apparel, shall be paid out of the treasury of the United States to such person or persons who shall effect the same, otherwise than by the armed or commissioned vessels of the United States.

Approved, March 3, 1813.

England, of course, was not idle. The war raged on ocean and on shore. "Old Ironsides," with Bainbridge in command, sent the frigate *Java* to the bottom of the sea. The gallant Lawrence fell. Perry fought and won his battle on the Lake. The British troops captured Washington, the seat of Government, and gave it, with its Capitol, to the flames. But while the cannons were belching forth their fires of death, Diplomacy was at work and effected—peace!

In 1814, and two weeks before the battle of New Orleans, the representatives of Great Britain and America concluded, at Ghent, a "Treaty of Peace and Amity." The news reached America, and within a few months the agreement was ratified and confirmed by the Senate. That treaty ended the conflict. It begins thus:

His Britannic Majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two

countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding between them, have, for that purpose, appointed their respective plenipotentiaries, that is to say :

And then it proceeds to give the names of the diplomatic officers representing Great Britain and the United States in drawing up the treaty, after which follow eleven distinct articles of agreement, each one of which is signed and sealed by the plenipotentiaries, or duly empowered agents, of both governments.

All this is merely introductory to the illustration which I wished to give. Some years afterward a controversy arose between Great Britain and the United States concerning the meaning of the first article of this Treaty of Ghent, and the good offices of Alexander I., "Emperor of all the Russias," were requested. It was rather strange that two English-speaking countries could not understand their own tongue, yet that is exactly what it amounted to—a different understanding of the meaning of a few simple words—and they were compelled to call in the aid of a Muscovite to construe the Anglo-Saxon language !

Well, the Emperor kindly responded to the wishes of both governments, and interposed his influence and good graces in bringing about an amicable adjustment of the difficulty. He undertook to assist them to draw up a treaty that should carry his decision into effect, and, accordingly, constituted and appointed two plenipotentiaries, "to treat, adjust, and conclude such articles of agreement as may tend to the attainment of the above-mentioned end, with the plenipotentiaries of the United States and of His Britannic Majesty." I presume no one will object if I give the names of the plenipotentiaries. The agreement was drawn up in English and French (the latter being the diplomatic or "court" language of Europe), so I may use both.

The envoys appointed by the Emperor were :

“ *Charles Robert, Count Nesselrode*, His Imperial Majesty’s Privy Councillor, member of the Council of State, Secretary of State directing the Imperial Department of Foreign Affairs, Chamberlain, Knight of the order of Saint Alexander Nevsky, Grand Cross of the order of Saint Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of the Annunciation of Sardinia, of the Polar Star of Sweden, of the Elephant of Denmark, of the Golden Eagle of Wirtemberg, of Fidelity of Baden, of St. Constantine of Parma, and of Guelph of Hanover.

Count Nesselrode was the first. The second was like unto him, “ with a few variations : ”

“ *John, Count Capodistrias*, son Conseiller privé & Secrétaire d’État, Chevalier de l’ordre de St. Alexandre Nevsky, Grand’ Croix de l’ordre de St. Wladimir de la 1^{re} classe, Chevalier de celui de l’Aigle Blanc de Pologne, Grand’ Croix de l’ordre de St. Étienne de Hongrie, de l’Aigle Noir & de l’Aigle Rouge de Prusse, de la Légion d’Honneur de France, de Charles III. d’Espagne, de St. Ferdinand & du Mérite de Naples, de Sts. Maurice & Lazare de Sardaigne, de l’Éléphant de Dannemarc, de la Fidélité et du Lion de Zahringen de Bade, Bourgeois du Canton de Vaud, ainsi que du Canton & de la République de Genève.”

The plenipotentiary “ on the part of His Majesty the King of the United Kingdom of Great Britain and Ireland,” was :

“ The Right Honourable Sir *Charles Bagot*, one of His Majesty’s Most Honourable Privy Council, Knight Grand Cross of the most honourable order of the Bath, and His Majesty’s Ambassador Extraordinary, and Plenipotentiary to His Majesty the Emperor of all the Russias.”

And the plenipotentiary “ on the part of the United States, with the advice and consent of the Senate thereof,” was :

“ *Henry Middleton*, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of all the Russias.”

The agreement, after reciting these names, says :

“ And the said plenipotentiaries, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon the following articles,” etc.

In pursuance of this agreement, the Emperor on the 22d day of April, 1822, made his award, which you will find set forth at length, together with the treaty itself, in the 8th volume of our Statutes-at-Large. Thus did an Absolute Monarchy act as mediator between a Limited Monarchy and a Republic ! And thus, also, do we see how much wiser it is to arbitrate than to war !

Since that difficulty we have had other international misunderstandings, more or less serious. To-day, however, thanks to Diplomacy, our own prudence, and (better yet) our “ happy detachment from European jealousies,” we are at peace with all the world ; and monarchs and other distant folks may be assured of courteous treatment whenever paying us a friendly call.*

* The policy of our Government is one of neutrality ; and, in this spirit, Congress has enacted that “ Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and imprisoned not more than three years.” This is but one of a series of stringent neutrality provisions, designed to restrain adventuresome or avaricious Americans from hostile acts and enterprises.

CHAPTER XXV.

LOOKERS-ON IN VIENNA.

There was one ovation tendered to a visiting "sovereign," of which few people have ever heard. And yet its recipient belonged to an order of kings who reign over every home upon the habitable globe—whimsical, fretful, domineering, yet good-natured monarchs! I mean that small bundle of inconsistencies, that "bald-headed tyrant from No Man's Land"—the baby!

He came to the Capitol one summer night, and the first glimpse I caught of him was in his mother's arms in the gallery of the House. It was then about one o'clock in the morning, but the Hall was crowded with all conditions of humanity. The speeches were dull and tedious, and even the baby could not restrain his feelings of impatience. So he cried with all his might.

Now what do you suppose the law-makers did when their proceedings were interrupted in this way? Did they order their Sergeant-at-Arms to arrest the offender and put him into jail for his contempt? No! The member who had the floor deliberately sat down, while the other Congressmen wheeled upon their chairs and cheered! The galleries took it up, and for fully a minute the cheering continued. Then the noise ceased in order to give the baby a chance to respond. But he had relapsed into a quiet mood. So the floor and galleries decided to "call him out," and, with cries of "Bravo!" "En-



F.C. Jones

In the Rotunda of the Capitol.

core!" and the like, the applause broke out afresh. And not until after that little monarch left the Hall was the so-called "order" of the House restored.

Indeed, the rush of reigning monarchs to the Capitol was incessant. I have many a time been actually hindered in the performance of my duties as a page by the crowd of "sovereigns" who surged through the corridors of the building. I met hundreds of them every day—monarchs, untitled and uncrowned, yet wielding the sceptre of authority.

Exactly what causes this daily rush—for it has not abated in the least—is not left entirely to conjecture. There is a superstition prevalent throughout the land that the *Congressional Record* does not contain an accurate account of everything that takes place in the Senate and in the House, and the American people wish to hear and see for themselves precisely what is being said and done by those whom they employ to speak and act.

And, by the way, it is very true that the *Record* does *not* faithfully reflect the proceedings of the law-makers. Not only do the official stenographers prune and polish the remarks of Senators and Representatives, cutting out hasty and ungrammatical expressions, but the Congressmen themselves habitually revise the official report before allowing it to go out to the public. So varied are these changes and so great has grown the abuse of this privilege, that sometimes a speech as it appears in the *Record* is absolutely beyond the recognition of persons present at its delivery the preceding day. Frequent efforts to put an end to this evil practice have been made by some of the law-makers, but they have not been successful.

But the *Record* (so-called) could not, if it would, reproduce the scenes in Congress. Cold type cannot usurp the functions of a camera-obscura, and some of the quaintest eccentricities manifested about the legislative Halls are not capable of being

reported. They are seen in the rotunda, in the lobbies, the corridors, in the Halls themselves during a recess, or in the galleries during the session, of either body. And the actors are not necessarily Congressmen—they are often the “sovereigns.”

Up in the gallery, for instance, is a patriotic old farmer from some distant State. It is his first visit to the Senate. He is impressed with the awfulness of the proceedings, perhaps as severely as I was when I paid it my first visit. A Senator is making a very commonplace argument, but there sits the American citizen, hanging upon every word as if the fate of the nation depended upon that speech. And yet, were you to follow that same citizen over to the House, you would be apt to see him laughing and enjoying himself as if at a performance of “Humpty-Dumpty.” The Representatives moving about in the rear of their seats, up and down the aisles, back and forth in the area of freedom, ascending and descending the Speaker’s steps—everywhere swarming like an army of ants,—some smoking their cigars or reclining on the sofas, asleep or half-awake, others reading the papers, others still telling anecdotes and bursting into periodical roars of laughter that challenge the attention of the entire body,—such things are not calculated to let the mind of the average person soar away into the realm of mystery and horror.

Ah! these “sovereigns!” Some of them are curious beings. Go into the House on a warm afternoon, or any time at night, during a session, and on the yellow benches in the northern gallery, right over the large clock and in full view of the Speaker, you will find scores of colored men—fast asleep. Day after day I have seen them there—apparently the same dusky forms—erect, nodding, reclining, their mouths open, their eyes closed, their brains at rest.

Others evince their curious natures in various ways, and some American pilgrims, I regret to say, have no respect for

the sanctity of the place. It is especially so with relic-hunters. They seize on everything that they can lay their hands upon or pull apart. At General Grant's inauguration the President had scarcely retired from the grand stand when a crowd of citizens on the ground below clambered up the sides, and within a minute, the chair which the Chief Magistrate had occupied was split into a score of fragments—one man capturing a leg, another an arm, another a part of a rung—all marching away with them as trophies of the event! After the funeral ceremonies over Senator Sumner, the relic-hunters sought to obtain pieces of the mourning emblems around his vacant chair. The crape was cut to pieces by a score of knives, and the worthless filing beneath the desk was literally torn into atoms! Indeed the jack-knives even attacked the mahogany of the desk itself, and I remember distinctly that a policeman had to be stationed at the chair to prevent further sacrilege.

I have seen these relic-hunters at their work on several other solemn occasions. In fact they are everywhere. They go to Mount Vernon to visit the tomb of Washington, and break the mortar and rocks from the walls of the old vault, cut twigs from the shrubbery and trees, and carry away any little thing that will serve as a memento of the place! They write their names on the walls of the dome of the Capitol, and wherever they can get a foothold. Such defacement is not patriotism—it is vandalism.

The most eccentric party of tourists I ever saw was a group of elderly women. They came to the Senate-chamber one day, about half an hour before the meeting of that body. After lounging around, inquiring about this thing and that and worrying the wits of everyone within reach, they finally settled down in the seats of distinguished Senators, unwrapped their napkins, spread them on the desk, and quietly proceeded to—*eat their lunch!* And they actually considered their rights as

citizens assailed when Captain Bassett—bashful and chivalrous man that he is—politely requested them to retire and “permit” the Senate of the United States to begin its daily work.

Another class of visitors is the regiment of “bores.” Perhaps there are better specimens of this *genus homo* to be found about the Capitol than anywhere in the country. I do not refer to claimants petitioning for national justice—they have a *right* to be there—but to the chronic office-seekers and professional lobbyists. Possibly you do not know what I mean by a “professional lobbyist.” Well, he is a man who infests the lobbies of the Capitol, button-holing law-makers, and otherwise striving to influence special and general legislation of interest to corporations and individuals who have engaged him for that purpose.



A Member of the
“Third House.”

Professional lobbyists are the terror of the average law-maker. I have seen grave Senators actually skulking through side-doors in order to escape their grasp. Some were polished and honorable gentlemen. Others, however, were not; their presumption was prodigious, their pertinacity wonderful!

So numerous are these lobbyists, so great is the power of the “capital” behind them, and so formidable are they as a body, that they are called the “Third House” of Congress, and their chief is styled the “King of the Lobby!” It is appropriate, therefore, to mention them in connection with reigning sovereigns.

But the sight-seers proper are the “sovereigns” of whom I intended to write. They ramble wherever they see an opening, and, as a consequence, many of them soon become lost in the intricate maze of rooms and corridors.

The most interesting room in the building is the rotunda. In it all classes of pilgrims congregate, and a person taking a seat in one of the settees near the wall can see many noted men and many human curiosities pass through. The first thing a stranger does upon reaching this place is to gaze in silent wonder at the vast proportions of the room. I once observed a tribe of visiting Indians, in their feathers and robes, enter it, and I watched the expressions of their countenances as they stood motionless and surveyed the lofty height. Then they hurried to the gallery far above to take a downward peep. I did not think it possible that a red man could be impressed ; but they were the most awed human beings I ever saw.

On the walls of the rotunda are some large framed pictures, representing the " Pilgrim Fathers " on their way to this country, the " Baptism of Pocahontas," the " Surrender of Cornwallis," and other incidents in American history. Higher up on the walls is a frescoed circle, illustrative of certain epochs in our country's career. At the top is the painted canopy. One group represents " War," another " Manufactures," and the others have similar allegorical meanings. But the most conspicuous painting and the one most likely to excite the interest and the laughter of the visitor, is a group of angelic " Sisters," representing the thirteen original States, surrounding the Father of his Country, who sits upon a cloud with the epaulets of a general upon his shoulders and near unto an angel blowing a horn. I presume it stands for *Fame!* In the groups surrounding this central assembly the tourist may discover figures resembling other men well known in the annals of the nation. Some of these effigies, so the story goes, are due to the malice of the fresco-artist.

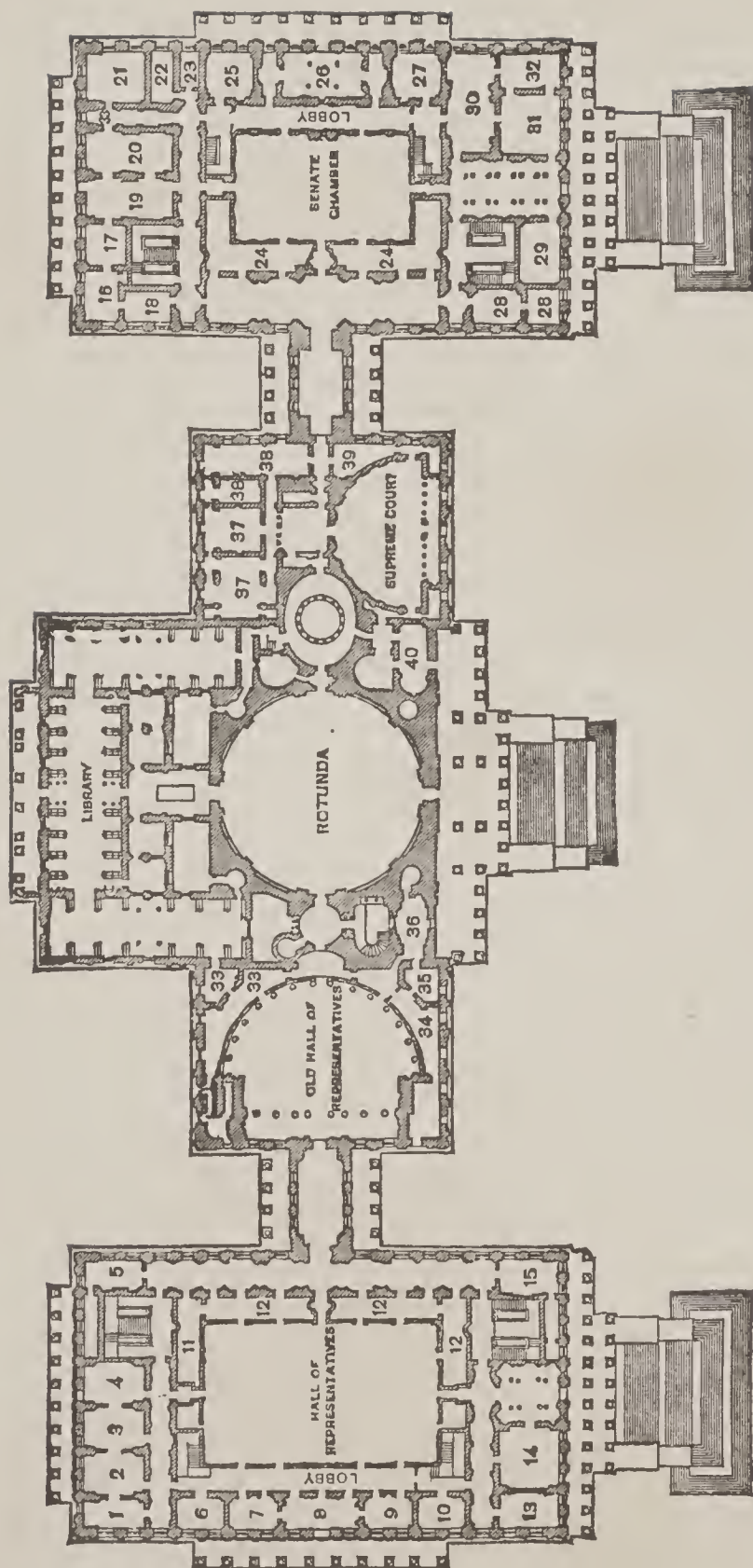
But these figures, if capable of appreciation, would undoubtedly laugh as heartily at the panorama below them as the tourists on the floor laugh at the oddity of the spectacle above. It

is one of the most entertaining diversions to ascend the stairs to the gallery and, leaning over, to study the mass on the floor. The people look like queer pigwidgeons without bodies. All



A View Downward from the Gallery of the Rotunda.

that one can see are the tops of hats and a number of waving "prongs" that stand for moving arms and legs! I cannot describe the scene, but must refer you to the skill of the artist for a representation of it.



The Principal Story of the Capitol.

1. Office of the Speaker. 2. Sergeant-at-Arms of the House. 36. Clerk of the House. 7, 8, 9. Members' Retiring-room. 12. Cloak-rooms. 3, 5, 13, 14, 15, 35. House Committee-rooms. 37. Clerk of the Supreme Court. 38. Robbing-room of Supreme Court. 39. Withdrawing-room of Supreme Court. 40. Marshal of Supreme Court. 16. Secretary of the Senate. 19. Chief Clerk of Senate. 24. Cloak-rooms. 25. President's Room. 26. Senators' Withdrawing-room, commonly known as the Marble Room. 27. Vice-President's Room. 29. Official Reporters of Senate. 30. Reception Room. 32. Sergeant-at-Arms of the Senate. 21, 23, 28, 31. Senate Committee-rooms.

The Old Hall of Representatives, with its many statues, its *breccia* columns, and its wonderful echoes, always comes in for a large share of the visitor's admiration, as does also the Old Senate-chamber, with its judicial busts. So also do the President's Room, with its frescoed walls and indefinite multiplication of mirrors, and its neighbor, the Marble Room, where one may see another bust or two, particularly one of Tecumseh, upon whose venerable Indian head our president used to sit when presiding over a council of the pages. Indeed there is a great deal to see and to admire about the Capitol, and one should have the services of a guide to do it justice.

As a page it was frequently my pleasure to conduct distinguished Americans and titled foreigners (the friends of Senators) about the building, and had I space I would gladly with my pen point out to my own young friends the curiosities and wonders of the place, artistic, human, and otherwise.

But I will give the public one item of information which has hitherto been confined within the knowledge of a few. Half-way up the stairs leading from the Senate to its western gallery is a representation (or an alleged representation) of the Battle of Chapultepec. Of this painting I confess I do not in general know what to say. It is mystifying to most spectators. No one knows what the different soldiers are about; they seem to be going in all directions. There are several horsemen in the battle, but one always struck my fancy. He is on a fiery steed, and is apparently leading some gallant and desperate charge. The figure used to trouble me, when a page, for I was very anxious to know what officer it represented. I remained in ignorance for many months. At length one day, during an executive session of the Senate, a little fat man came into this place, and, with a grand gesture and a funny brogue, called the attention of the guards stationed at the foot of the steps to the picture.

“ Do you see *that man* on *that horse* ? ” he asked, pointing to the gallant charger. “ Well, *I* am that *man* ! ”

Saying which he slapped himself forcibly on his chest, and pompously disappeared. He repeated this performance on several succeeding days, but did not give his name—simply saying :

“ *I* am that *man* ! ”

This is the extent of my information upon the subject.

CHAPTER XXVI.

CHAOS.

In an early chapter we briefly reviewed the chief features of Congressional practice established for the preservation of decorum and the regulation of debate; and we have also seen how the strict application of some of these rules, intended to protect the public interests, obstructs rather than helps the transaction of business. Were these rules always observed—even though abused, as in the case of whimsical filibustering—it would be unnecessary to pursue the subject. But because there are infractions of propriety, because members of either House do sometimes break through the rules and overstep their privileges, it is proper to say something about these notorious and admitted facts.

In order to secure to Congress the authority and efficiency designed for it by the founders, and which properly belong to it as the supreme representative body in the Republic, the Constitution conferred upon each House the right to determine the rules of its proceedings; and that its dignity should not be molested by rash and thoughtless men, it also gave to each House the right to “punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.” These general provisions conferring the *right*, carry with them full *power* to enforce those rights as either House may deem proper.

By the possession of this right to “punish *members* for disorderly behavior,” therefore, it will be seen that, *to that extent*,

each body of Congress is vested with judicial power. With the exercise of that right—however extreme the rules or proceedings established or taken by either House in such exercise—no tribunal or officer in the other departments of the Government can interfere. But were Congress to attempt to enlarge this authority, so as to inflict a punishment upon private citizens (except under peculiar circumstances, as will be hereafter explained), it would be usurping the functions confided to the judicial department of the Government, and would be checked by the courts.

The power in regard to compelling “the attendance of absent members, in such manner and under such penalties as each House may provide,” is constantly employed. Especially is this true at night-sessions in the House. Although no business can be done in either body without the presence of a quorum, or a majority of the members, it is extremely difficult on ordinary occasions to secure the necessary number without resort to this compulsory power; in which case the Senate or House may direct its Sergeant-at-Arms to arrest the absent Senators or Representatives, wherever they may be found, and escort them to the House. This proceeding being of frequent occurrence in the Lower House, and the scenes of disorder which accompany it being, I may say, peculiar to that body, I shall describe the course pursued there. It differs somewhat from the practice in the Senate.

When the point of “no quorum” is raised, a “Call of the House” is usually ordered, and the Clerk calls the roll of members, and those present respond “Here,” as their names are read. Having finished the first call, the Clerk reads the names of those who did not respond on the first reading, to give those a chance to answer who may have been in the lobbies or elsewhere about the House, but not in the room at the exact moment when their names were called. When this second call of

the roll is completed, all the doors but one leading into the Hall are closed and locked, and at that one door a guard is stationed to prevent any of the absentees from entering.*

When the doors are closed, the names of the absentees are read, those who are old or infirm or detained by sickness in their families are excused, and after this the Sergeant-at-Arms is directed to arrest and bring before the bar of the House any of the absentees he can find, sparing only those who are away by "leave" of the House first duly obtained. Then the fun begins. While waiting for the Sergeant-at-Arms to execute his orders, the members inside the Hall amuse themselves in many ways, and laugh in anticipation of the further enjoyment they will have upon the appearance of their remiss associates. As no work can be done, of course play is not discountenanced. After a time the Sergeant-at-Arms appears with a batch of the arrested absentees, and, taking them before the Speaker's desk, the name of each is called, and he is then permitted to explain his non-attendance. These explanations are the most amusing features of the whole performance. All sorts of ludicrous excuses are given, but most of the members, as a rule, plead various forms of sickness—from paralysis to a toothache! During the delivery of these excuses the other members jokingly applaud and laugh. While the prisoners may, under the rules, be fined for their absence, still, when the House is in good humor (as it generally is under these circumstances—for who *could* preserve his gravity while that ridiculous comedy is being performed?) it merely laughs again and makes fun at their expense, and teases and tries to scare them by fierce motions to "dispose" of them in various ways—and then excuses their

* Recently, a distinguished Representative (Mr. Long, of Massachusetts) who presented himself at this lobby door and was refused admission, during proceedings on a Call, maintained that this guard is improper. He contended that while the House can *compel the attendance* of absent members, it cannot *exclude them from attendance* if they voluntarily appear.

neglect and allows them to take their seats. And so this performance goes on, the Sergeant-at-Arms continuing to bring in his little groups of absentees, until, having captured them all or a quorum having appeared, "all further proceedings under the Call" are ordered to be dispensed with, and the House proceeds with its legislative work.

So mortifying is it to some sensitive members to be brought before the bar under arrest, that they have been known to crawl through the windows communicating between the outer corridor and the cloak-rooms, first giving their hats and overcoats to some friendly employé to hide, and thus conceal the evidence of their having just arrived at the Capitol. Then they bravely march from the cloak-rooms out into the Hall as if they had been there all the while! Indeed, on one occasion, they surreptitiously entered in this manner in such surprising numbers, that the Speaker was required, despite the hot and oppressive atmosphere of a summer night, to order the closing of the windows and transoms and all other apertures through which the smuggling might be attempted. Such conduct is, to say the least, not dignified; and as it happened only a few years ago, we can understand why some people believe that the manners of the House are still susceptible of amendment.

The power to punish for disorderly behavior is not very frequently invoked by the House—it is seldom invoked by the Senate. You will readily understand that Congressmen are but men, and that the slightest remark or affront may give rise to great excitement. The first step toward misconduct must be checked if we would arrest still greater trouble.* It is with the

* As Vice-President Fillmore, in remarking upon the "dignity and decorum" of the senate, and the "powers and duties of the Chair," in 1850, declared: "How important it is that *the first departure* from the strict rule of parliamentary decorum should be checked, as a slight attack, or even insinuation, of a personal character often provokes a more severe retort, which brings out a more disorderly reply, each Senator feeling a justification in the previous aggression."

law-makers precisely as it is with boys and girls—one word leads to another, the members becoming angrier and angrier as the discussion proceeds, until, finally, the proprieties of debate are utterly forgotten in the tumult that ensues.

I have seen the proceedings apparently going on smoothly, when one member would “catch the Speaker’s eye.” To “catch the Speaker’s eye” means that a member is “recognized” by the Speaker, just as the Senators are recognized by the Vice-President, and that he thus obtains the floor and the right to speak. Some Representatives seem to have great difficulty in getting the attention of the Speaker. One of them is reported to have said that he had served as a member of the House for a number of years, and caught the malaria, and the measles, and the mumps, and nearly everything else that is to be caught in Washington, but that he had never yet caught the Speaker’s eye.

Well, the member who has the floor may be a fiery, forcible talker, and, beginning his speech, gradually warms up with his subject and gradually rouses his antagonists. Suddenly he gives one blast of burning eloquence ; and then the other Congressmen spring to their feet and glare at the orator. In another moment there is chaos !

Some of the scenes would remind an Irishman of the good old days of Donnybrook Fair. I have seen members roll up their sleeves. I have seen two disputants rush down the aisles, from either side of the Hall, into the area of freedom, shaking their fists at each other in so vigorous a manner as to induce younger House pages to run over to the Senate and, waving their hands to their friends, breathlessly exclaim : “Come on, boys, quick ! there’s going to be a fight !”—an invitation which would instantly deplete the Chamber of every House and Senate page, and cause a tumultuous stampede to the Hall. I have seen two such members facing each other like gladiators,

both vociferating and violently gesticulating, when one has referred to the other as "the *member* from New York." This violation of parliamentary courtesy was treated as an insult. "Say *gentleman!*"—"Well, then, '*gentleman!*'" retorted the other, and the sarcastic emphasis he put upon the word was even more irritating than his first offense. One wild Congressman, in a memorable scene, ten years ago, so lost his wits, that he jumped upon his desk in the very eloquence of his wrath!

But these simoons of passion are not generally of long duration. The Speaker, with the assistance of the Sergeant-at-Arms and his mace of authority, eventually succeeds in bringing the unruly members to a stand-still. Then if, in the excitement, they have gone too far, they are required to do penance. The Constitution permits a member of Congress to abuse, with perfect impunity, any "outsider" under the sun. He cannot be punished for slander or in any other way held to answer for it by the courts. This is known as the constitutional "Freedom of Debate." It is a very important privilege. The object of it is to allow Senators and Representatives to express, without fear, their honest opinions about men and things. But they are not expected to abuse one another; and when a Representative "disappoints that expectation" or says anything else that is offensive to good taste—in other words, "uses unparliamentary language"—his breach of propriety is regarded as an insult to the House, and he is required to retract the words and apologize, and in aggravated cases he is even brought before the bar, in custody of the Sergeant-at-Arms, where the Speaker pronounces upon his head the solemn *censure* of the House. Nothing less than this would appease the wounded dignity of that mighty body!

CHAPTER XXVII.

MUCH ADO ABOUT NOTHING.

The last session of the Forty-third Congress was a remarkably lively one. Three noted measures engaged the attention of the law-makers. The bill providing for the resumption of specie payments was of great financial moment, but it is unnecessary to say anything about it here further than to record the fact that it became a law on the 14th of January, 1875. The bill "to provide against the invasion of States, to prevent the subversion of their authority, and to maintain the security of elections," was inspired by the presence of Federal troops at scenes of political turbulence in the South; it did not, however, become a law, and is mentioned merely because of the memorable filibustering opposition it encountered in the House on the 24th and 25th of February. The Civil Rights Bill passed both Houses and was approved by the President, and yet—strange to relate!—it did not become law; the proceedings, therefore, deserve more than passing notice.

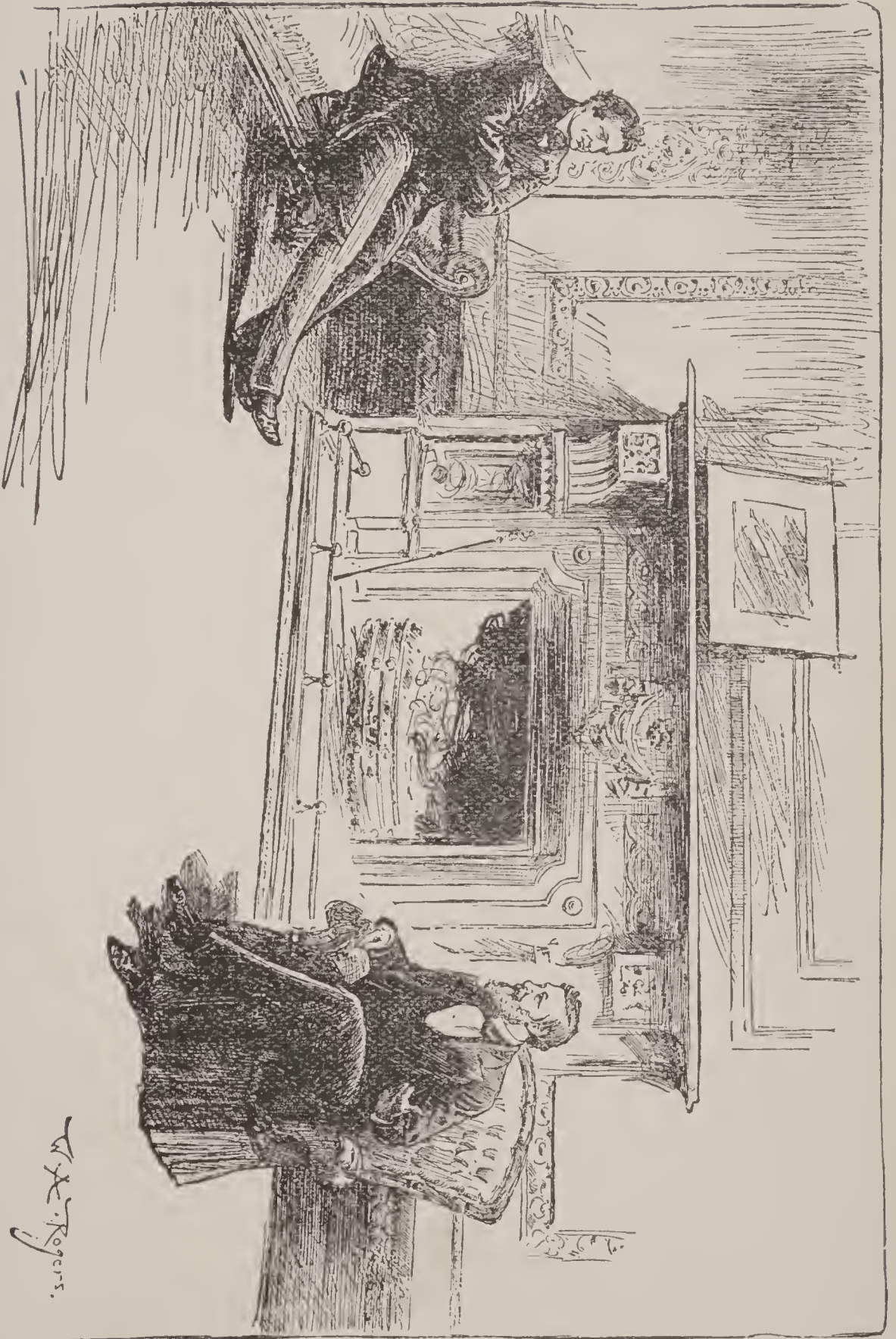
We have seen that this question of civil rights was a disturbing element in the Senate during the session of 1874, and that, notwithstanding the obstructive methods of the minority, the Senate passed its bill. That Senate bill went over to the House, but it was not acted upon by the Representatives. In the winter of 1875 it still peacefully slumbered on the Speaker's table.

During the session of 1874, however, the House had had be-

fore it one of its own bills in relation to civil rights, the purposes of which were similar to those of the Senate measure. This House bill, after discussion, had been disposed of, not by passage but by recommitment to the Committee on the Judiciary.

The tug-of-war came on Wednesday, the 27th of January, 1875. Shortly after the meeting of the House on that day, General Butler arose and tried to report from the Judiciary Committee the bill which had been so recommitted in 1874. The minority in the House had no more fondness for the measure than the minority in the Senate had for the Senate bill; they made a point of order against the presentation of the report, hoping in this way to prevent, or at least defer, the consideration of the bill. Speaker Blaine held that while the Committee on the Judiciary might not, under the order of the House recommitting the bill to it, have acquired the right to report back at any time, still a motion to *reconsider the recommitment* was "highly privileged" and "amounted to the same thing." The objection of the minority was thus overcome by a very simple parliamentary manœuvre. Instead of reporting the bill back and asking for its consideration, it was only necessary to reconsider the vote by which the bill had been recommitted, and the reconsideration of that vote would restore the bill to the place it had had before the House at the time of its recommitment.

The Republican hosts, in command of General Butler, then decided to force the motion to reconsider; Mr. Randall, on behalf of the Democratic minority, opposed the motion by "raising the question of consideration." In other words, the immediate question before the House was, "Will the House consider the motion for reconsideration?" It was evident that the Republican majority intended to consider the motion if they could get a vote on the question; the minority resolved to defeat that intention if they could, by preventing a vote; they had but one recourse—to filibuster! Accordingly, the battle began.



One of the Corners of the Hall of Representatives : a Good Place for a Quiet Chat.

Early in the afternoon the first filibustering movement was made, and from that time onward the scenes about the Hall were perhaps the worst I ever saw—and that is saying a good deal. There were motions to adjourn for the day, motions to adjourn to a day certain, motions to take a recess, motions to adjourn, motions for recess, motions to adjourn, motions for recess, motions to adjourn, and so on and so forth;—it was horrible! Over and over the roll went the Clerk, over and over again the members responded to their names, and General Butler, determined not to desert his post, sat as if riveted to his chair, watching the tactics of the enemy.

Onward and onward went the roll-call all that afternoon and all that night! And while the hours dragged wearily and moodily along; while some members retired to the sofas in the rear of the seats or in their committee-rooms to sleep, only to be awakened again and again to answer to their names; while the reporters and clerks took turns in their naps; while other members crawled under the desk, where they could call out their votes to the Clerk without seriously breaking their rest; while the “spectators” snored in the galleries, and the pages went to sleep on the steps,—during all this while the commander-in-chief remained in his seat, “sitting out” the minority! Oh, what a night! The call of the roll in the House takes half an hour. From Wednesday afternoon, the roll went steadily on—forty times!—until within a few minutes of the regular time for reassembling on Thursday.

Yet even then the House did not pause to take breath. The hour of twelve saw no cessation of hostilities. The legislative day of Wednesday still went on, and as it passed the hour of twelve, General Butler called out: “Does not the ruling of the Chair that this is a continuous legislative day put us out of the benefit of clergy? That is, can we have prayers to-

day?" The General having cracked his joke, and those who were not too feeble having duly laughed, the filibustering was resumed. All that afternoon, all that night, and far into the morning, the same old scenes, the same old motions, the same old "Calls of the House," the same old "Yeas and Nays" and roll-calls—thirty-six times more! At twenty-five minutes after ten o'clock on the morning of Friday, the 29th of January, the House adjourned to the following day at noon. Thus ended the legislative day of Wednesday, the 27th, after a continuous session of nearly forty-seven hours, and after seventy-six calls of the roll!

Well, the House reassembled on Saturday, January 30th, at twelve o'clock, and General Butler and the filibusters were again on hand. The minority now resorted to an ingenious expedient to kill time. Instead of making motions and bothering themselves as much as their adversaries by demands for the Yeas and Nays, they insisted upon the reading in full of the journal of Wednesday's proceedings. There was no escape from the demand. The rules of the House provided that the reading of the journal should not be dispensed with except by unanimous consent; the Constitution provided that the Yeas and Nays should, upon the demand of one-fifth of the members, be entered upon that journal; the Yeas and Nays had been so demanded by the minority: hence, the roll-calls formed a part of the journal and must be read in full! It was a veritable thunderbolt; it was Mr. Randall who hurled it, and he had good reasons for his course. He understood too well the temper of General Butler, and Speaker Blaine, and the other Republican leaders, not to know that mischief was on foot. He knew that they were manufacturing a bomb—his object was to prevent them from bursting it that day. He succeeded.

You may judge of the ordeal, however, from the fact that although the Clerk ran over the names as glibly as his tongue

could carry him, the reading was still unfinished when, at forty minutes past four o'clock in the afternoon, the majority, having become utterly fatigued, moved that the reading be suspended and that the House adjourn until Monday, February 1st. The motion was made by General Butler; it is needless to add, it was carried.

The valiant minority, however, were doomed. The House met on Monday. Mr. Randall's fears were realized—the explosion came—a motion to amend the rules!

At ten minutes before six o'clock, in the evening, a recess was taken until the following (Tuesday) morning, at ten. The consideration of the question of changing the rules was resumed. At length the Republicans passed (under suspension of the rules) a resolution authorizing the Committee on Rules “to report to the House for consideration and action at the present time, any new rules or changes of rules.” The resolution further provided that, when the Committee should so report, no dilatory motions should be allowed, and that discussion upon such rules and amendments should be limited to one hour!

Scarcely had the resolution been adopted, when General Garfield, of the Committee on Rules, got up and made the dreaded report. Despite the cries of the minority, a new rule was made—

Whenever a question is pending before the House the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn.

That was its main provision. It acted like magic. Filibustering was at an end!

The Republicans having thus made things secure, the House, at 3:55 P.M., adjourned. On Wednesday, the 3d of February, victors and vanquished appeared once more upon the field of battle. The Republicans coolly demanded “Regular Order!”

The Speaker arose and stated the question before the House : " The question is, Will the House consider the motion to reconsider the vote by which the civil-rights bill was referred to the Judiciary Committee ? " The Yeas and Nays were called : 148 voted in the affirmative, 91 voted in the negative. The House agreed to consider the motion.

Then said the Speaker : " The question now recurs on the motion to reconsider the motion by which the House recommitted the civil-rights bill to the Judiciary Committee." The House so " agreed."

Then General Butler withdrew his motion to recommit made at the preceding session of 1874. By this movement the bill was left boldly before the House, and the Speaker at once announced : " The question recurs, Shall this bill be engrossed and read a third time ? " The majority meant business !

The minority could now do nothing but talk. The debate began. It was exhilarating, to say the least. It ran into the 4th of February. On that day, a Democratic member from Kentucky took the floor. I shall call him " Mr. X.Y.Z." He said :

" It is not my purpose on this occasion to discuss the legal aspects of this bill. I have done that heretofore in a carefully prepared speech, delivered during the last session of Congress. I had hoped that this measure would fail ; but it is now manifest to all of us that it is a foregone conclusion that to-day's sun may set upon it as a law of the land. Men upon the opposite side have been dragooned into its support, and its success has been in a measure accomplished by a daring and revolutionary innovation on the time-honored rules of this House. It is the culminating, crowning iniquity of radicalism. It is born of malignity ; it will be passed in defiance and in violation of the Constitution ; and executed, I fear, in violence and bloodshed."

Here a Republican member interposed and raised the point

of order that the language was not parliamentary as applied to a measure then pending before the House, and demanded that the words be taken down. The official reporter wrote out from his shorthand notes the last sentence above quoted, and handed the transcript to the Clerk, who read it from the desk. The Speaker ruled that, in his opinion, the language did not transcend "the limit of parliamentary debate."

The member from Kentucky thereupon proceeded with his speech. As his vehemence increased, he delivered his remarks point-blank at the heads of the Republicans, and the Speaker had to caution him to address the Chair. He did as he was bid—and dealt the Speaker himself a stinging blow!

For some minutes, the words of the orator rose to the loftiest eloquence; then he began to descend. As he continued, the Speaker thought the remarks were growing personal, and asked the Representative if he was referring to another member of the House. The gentleman from Kentucky answered that he was not—that he was simply describing an individual in his "mind's eye." In another moment, however, his purpose was made apparent, for, with a fierce and scathing remark, unmistakable in its meaning, he turned and faced—General Butler!

I need not picture the wild disorder that ensued. "Cave of the Winds!"—it was then a perfect whirlwind of excitement!

Again the words were taken down and read at the desk. One Republican wanted the member from Kentucky expelled. Other motions in the same direction were made. After a heated discussion, the following resolution was adopted by a strict party vote of 161 to 79:

Resolved, That the member from Kentucky, Mr. X. Y. Z., in the language used by him upon the floor and taken down at the Clerk's desk, as well as in the prevarication to the Speaker, by which he was enabled to complete the utterance of the language, has been guilty of a violation of

the privileges of this House and merits the severe censure of the House for the same.

Resolved, That said X. Y. Z. be now brought to the bar of the House in the custody of the Sergeant-at-Arms, and be there publicly censured by the Speaker in the name of the House.

Then General Butler, who had taken no part in the discussion over the resolution, obtained permission to make a personal explanation. The confessional part of his brief statement was characteristic :

“ I have been here eight years. I have engaged in debate perhaps a great deal more than I ought to have done. I call upon any gentleman who served with me during the present Congress—I call upon every gentleman here who served with me during the eight years I have been here, whether in all that time I have ever commenced a personal attack upon any man in this House ; whether I have ever stepped out of my way to do an unkind thing or say any unkind word of a single gentleman of the House until I was first attacked.

“ Be he who he may, speak whom I have offended. Let this thing be settled once for all, for I have endeavored with studied courtesy never to attack ; and I have endeavored one other thing, sir—when I was attacked never to leave a man until he was sorry he did it. I have no more to say.”

When the cheers that greeted this sally had subsided, the Speaker ordered the Clerk to read the resolution just passed by the House. The resolution having been read, the Sergeant-at-Arms descended from his chair upon the platform, and marching to the seat of the member from Kentucky took him into custody and brought him before the bar of the House. And then, so silent had the House become that not even a whisper was heard as the Speaker solemnly arose and slowly delivered the sentence of wrath :

“ Mr. X. Y. Z., you are arraigned at the bar of the House,

under its formal resolution, for having transgressed its rules by disorderly remarks and for having resorted to prevarication when your attention was called to your violation of decorum by the Speaker.

“For this duplicate offense the House has directed that you be publicly censured at its bar. No words from the Chair in the performance of this most painful duty could possibly add to the gravity of the occasion or the severity of the punishment. It remains only to pronounce in the name of the House its censure for the two offenses charged in the resolution.”

The gentleman from Kentucky bowed, and in a quiet voice rejoined :

“Sir, I wish now to state that I intended no evasion or prevarication to the Speaker, and I will now add no disrespect to the House.”

He was then discharged from custody and permitted to return to his seat, and the House (at 5:35 P.M.), thinking it had done enough for the day, took a recess until the following morning at ten o'clock.

On Friday, the 5th of February, the speech-making was brought to a close. After disposing of proposed amendments (among others one which was defeated, to substitute for the provisions of the House bill the text of the bill which had passed



“And I have endeavored one other thing, sir—”

the Senate), the House came to a vote on the passage of the bill. The Yeas and Nays were ordered; there were 162 Yeas, 99 Nays.

The bill then went to the Senate. Although the questions involved had been thoroughly debated at the previous session, the Senators expressed their views. The most noticeable argument was that of Senator Carpenter against the bill—an argument remarkable not only because made by a leader of the political party advocating the legislation, but because of the eloquent and powerful logic with which he assailed the constitutionality and policy of the measure. Nevertheless, by a vote of 38 to 26, it passed the Senate on the 27th of February, and before the Forty-third Congress came to an end on the 4th of March, it received the approval of the President.

But I should not omit the sequel. After all this filibustering, which had robbed the Senate-pages of their rest in 1874, and nearly paralyzed the pages of the House in 1875; after all this torrent of words and passion, and stirring up of sectional strife, the Supreme Court of the United States, a few years ago, declared the measure so attempted to be enacted into law to be, in all its essential features, in conflict with the Constitution and therefore inoperative and void ! *

* The decision was rendered at its October term, 1883, and is reported in its 109th volume of Reports, at page 3, to which the reader is referred for information as to the exact provisions of the bill and the constitutional principles involved.

CHAPTER XXVIII.

INVESTIGATIONS.

The members of the House are very jealous of their "dignity." They are often, as we have seen, careless enough about it themselves ; but woe to any other person who may dare to defy their authority ! After a brief digression about other matters, I will give you an instance illustrative of this fact as well as of the value of the Supreme Court.

The Congressional elections in the fall of 1874 resulted in the defeat of the Republican party, which, for many years, had held uninterrupted control of the legislative and executive departments of the Government. With the close of the Forty-third Congress, the terms of all of the Representatives of course expired. The Republicans gave their Democratic friends a stormy farewell ; the Democrats, upon taking control of the Forty-fourth House, were to make things merry for the Republicans.

In pursuance of a proclamation of the President, the Senate began a special session on the 5th of March, 1875. The newly-elected Senators were sworn in, the executive business submitted by President Grant was disposed of, and on the 24th of the month the Senate adjourned *sine die*. Before adjourning, it was wise enough to choose a President *pro tempore*. Senator Ferry was appointed.* Within a short time of the day for reas-

* Senator Carpenter, who had been President *pro tempore*, was among the outgoing Senators on the 4th of March, 1875.

sembling, Vice-President Wilson died, and Senator Ferry became the Acting Vice-President of the United States.

Upon Monday, the 6th of December, 1875, began the first regular session of the Forty-fourth Congress, a session which, for length of days and vigor of proceedings, was destined to become historically eminent. Popular interest naturally centred in the organization of the House. Representative Kerr, of Indiana, was elected Speaker, and the Democrats further displayed their power by appointing a new set of officers. As to the Representatives themselves, it is unnecessary to go into particulars. General Butler had been left behind at the last election, Representative Dawes had been transferred to the Senate, and other men conspicuous in the Forty-third Congress were missed from the Hall. Ex-Speaker Blaine and General Garfield were there; so, also, were Mr. Randall and Benjamin H. Hill and "Sunset" Cox. Under such circumstances and with such "kindred spirits," a peaceful session was out of all question.

Just before the Christmas holidays, both Houses of Congress, the President, and the Supreme Court went to Philadelphia to see the Centennial Exposition buildings and to sit down to a sumptuous banquet prepared for them by the people of that city. I remember that fact distinctly, because the pages were among the invited guests. As to exactly what else worth recording happened within the few weeks before Christmas, my memory is somewhat vague; as to what occurred within a few weeks after, my memory is clear. The Amnesty Debate!

That debate was simply ferocious! It began in earnest when Mr. Blaine took the floor on Monday, the 10th of January, 1876; it raged with almost relentless fury from that time until the House came to a vote on Friday, January 14th. Blaine, Hill, Garfield, Randall, Cox, Banks—all the great orators of the House, locked horns. But I shall not discuss that discussion. I present the

dates ; if inquisitive, you may consult the files of the press and read descriptions. The bill was defeated.*

The next thing that happened involved questions of great constitutional consequence. Another digression, by way of explanation, and you shall hear about it.

Not only has Congress the sole authority to make laws and grant supplies for the other departments of the Government, but, as a part of its general functions, it has supervisory power over the manner in which they perform their duties. It watches carefully all their doings. It is continually calling upon the President (either directly or through his Cabinet officers) for information concerning foreign or domestic affairs, and thus keeps properly informed in regard to our relations with other nations and the internal interests of the country. This surveillance, or watch, is established over all proceedings, both great and small, in which the Republic is or may be interested.

When Congress hears of any official misconduct or questionable transaction, affecting our glory or our pockets, it at once institutes an inquiry into the matter. This power of Congressional Inquiry may be exercised by the Senate and the House, either jointly or independently, and, in important matters, special investigating committees are appointed. At about the time when I became a Senate-page, a great investigation

* The 3d section of the 14th Amendment to the Constitution declares : " No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a two-thirds vote of each House, remove such disability." The effect of this provision was to impose political disabilities on many participants in the Civil War. The proposition before the House was to remove those disabilities—in short, a measure granting " general amnesty." The debate was conducted on party lines—Democrats against Republicans. The vote stood, 184 to 97 ; two-thirds not voting in favor, the bill was lost.

was conducted into the career of the notorious "Ku Klux Klan," and some of the costumes worn by members of that order were introduced in evidence, and remained in the possession of the Sergeant-at-Arms. These costumes we pages would

delightedly don in our night-session pilgrimages, and wander, a silent but awful band, through the corridors and rooms of the Capitol, to the consternation of all visitors. If you have ever seen one of these weird, fantastic outfits, you can imagine the hideous spectacle we presented.

There are always Congressional committees at work investigating something or other, and much money is annually consumed in the pursuit of information. Sometimes the committees traverse the country dur-



A Midnight Frolic.

ing the vacations of Congress, stopping at various places to take the testimony of witnesses; and, during the sessions of Congress, the Sergeants-at-Arms of both bodies, or their deputies, scour the continent after unwilling witnesses, and bring them to Washington for examination before the committees. In one case of investigation, Mr. Christie, whose duties are

practically those of Deputy Sergeant-at-Arms of the Senate, was fourteen days chasing a single witness over the United States—but he caught him!

To enable them to conduct their investigations as thoroughly as possible, these committees are empowered to summon, swear, and examine witnesses, and to require the production of books and papers, and to this extent they resemble judicial bodies. To refuse to testify or produce papers, therefore, is to defy the authority of Congress; and for such a refusal—no matter on what ground it is based—a man summoned as a witness may be punished by a fine of \$1,000 and imprisonment in a common jail for twelve months. That is the worst that can happen to him.* But there is one great restriction to be noted. The law-makers cannot inflict the punishment; they must turn the matter over to the United States Attorney for the District of Columbia, and give the offender a trial by jury in a court. At least, so reads that law.

Yet while Congress knows very well that it cannot try private citizens for misdemeanors, still it has frequently claimed the right to punish obstinate witnesses for *contempt* of its authority. And it has actually punished them! It is like the man of whom we have read. His lawyer called at the jail to see him, and heard his case. “Why, my dear fellow,” said the lawyer, “they can’t put you in jail for *that*!” “That may be,” said the man, as he peered through the iron bars of his cell, “but—they *have* put me here for it!”


Now, with this explanation, you will better understand the important matter that came up in one of these investigations, and which finally resulted in settling the great question as to the power of Congress to punish for “contempt”—a proceeding which, in its very nature, is a judicial and not a legislative act.

* The least penalty is a fine of \$100 and one month in jail.

A certain citizen of this country owed the Government some money, and a committee of the House of Representatives of the Forty-fourth Congress, wishing to find out something about his financial condition, made an investigation. They summoned witnesses and questioned them. One of these witnesses, by the name of Hallet Kilbourn, but whom, for short, I shall call by the legal name of John Doe, was a real-estate broker, and the committee commanded him to bring the books of his business for examination. Mr. Doe thought that the committee had no right to inquire into his personal affairs, and he refused to answer its questions or to produce the books.

The committee became very indignant, and reported the matter to the House. That body stood by its committee, and ordered its Sergeant-at-Arms to arrest Mr. Doe, the recusant witness. The Sergeant-at-Arms did as he was commanded, and (on the 14th of March, 1876) brought Mr. Doe before the bar of the House, like a prisoner of state. Speaker Kerr asked him if he was prepared to answer the questions and produce the books. Then Mr. Doe presented a written statement, giving his reasons for declining to obey the House.

But the House was not satisfied with his explanation, and declared that he should be punished as guilty of contempt of its dignity and authority. It therefore ordered the Sergeant-at-Arms to keep him in custody in the common jail of the District of Columbia until he should notify the House of his readiness to comply with its commands. So he was marched off to prison and put into a cell. As he afterward said, it was not a very luxurious place of abode, but he "had a variety of scenery—toward the north and east were the swamps and marshes of the Potomac ; to the south, the work-house, poor-house, and cemetery ; and looking toward the west he could see the Goddess of Liberty on the dome of the Capitol, and occasionally get a glimpse of the star-spangled banner—that grand emblem of the

freedom of American citizens—floating from the top of the House of Representatives!" 

He had a good time, however, for a while. He regarded himself as the guest of the nation—like King Kalakaua—and he used to order good dinners at the jail, and invite his friends to join him at the expense of the Government. But the House of Representatives heard of this; its members grew more indignant than ever, and directed that he should not be allowed anything beyond the ordinary prison-fare of ordinary criminals sojourning at that rural retreat. This was too much for Mr. Doe. He determined to get out of jail. He applied to the Supreme Court of the District of Columbia to protect him. A writ of *habeas corpus* * was issued in his behalf, and he was brought before the court. After a long argument, the Chief Justice of the District decided that his imprisonment by the House of Representatives was illegal, and ordered him to be set free. So, after forty-five days of durance vile, Mr. Doe was allowed to return to his fireside and business.

But the matter did not end there. Mr. Doe considered the action of the House an indignity, and he brought suit (in the Supreme Court of the District of Columbia) against the Sergeant-at-Arms, the Speaker, and the members of the House who had caused the arrest, claiming damages in a large sum.

That case finally reached the Supreme Court of the United States, where it was decided that the House of Representatives had done wrong.† The Court admitted that the House could exercise a few powers somewhat judicial in their nature, *under the express provisions of the Constitution*, and, where

* "You may have the body." A writ very important to imprisoned citizens, and the privilege of which cannot be suspended unless in cases of rebellion or invasion the public safety require it. So says the Constitution.

† This important decision was rendered by the Supreme Court at its October term, 1880, and may be found in its 103d volume of Reports (13th Otto), at page 168.

the examination of witnesses is *necessary to the performance of its constitutional duties*, could fine or imprison a contumacious witness ; but that there is not found in the Constitution of the United States any general power vested *in either House* to punish for "contempt."

And the decision went further than that. It declared that Congress had no right to inquire into the "private affairs" of a citizen, as it had attempted to do, through its investigating committee, in order to find out something about the financial condition of a Government debtor ; that such an investigation is judicial in its character, not legislative, and therefore belongs to the courts—not to Congress.

The affair produced quite a sensation at the time, and many people thought that the members who instigated this attack on the rights of an American citizen should have been imprisoned instead of Mr. Doe. The Supreme Court, however, held that—while the Sergeant-at-Arms was liable to a suit at law for the wrong which he had helped the Congressmen to commit—*they* (the members) could not be sued or punished, because of the provision of the Constitution to which I have before referred that exempts Congressmen from responsibility for anything said in debate.

So Mr. Doe's suit for damages to his business and reputation was continued as against the Sergeant-at-Arms ; and after a number of verdicts, and a number of arguments by a number of lawyers, a judgment was recently rendered against the Sergeant-at-Arms for \$20,000 and the costs of suit. Of course that officer had simply obeyed the orders of the House in arresting and imprisoning Mr. Doe, and consequently it was supposed by the jury that whatever judgment was rendered against him Congress would appropriate the money to satisfy. That is what everyone else "supposed" too. And they were all correct in their conjectures, for, at the last session of the

last Congress,* an appropriation was made covering the entire judgment, and giving some money besides, to the Sergeant-at-Arms and his lawyers for their zeal and trouble in defending the “right” of the House. In all, the appropriation amounted to about \$30,000, and I presume Mr. Doe and the Sergeant-at-Arms became warm friends.

But the Public Treasury has had to pay for a Congressional mistake.

* March, 1885.

CHAPTER XXIX.

AN IMPEACHMENT TRIAL.

It is the constitutional right of the House of Representatives, if it believes the President, the Vice-President, or any civil officer of the Government, guilty of " treason, bribery, or other high crimes and misdemeanors," to take steps to have such person put upon trial and, if proved guilty, removed from office. In such case the House makes a charge against the officer, called an " impeachment," and it then becomes the duty of the Senate to try the truth of this charge, thus, for the time being, turning itself into a court. When the President of the United States is tried the Chief Justice acts as presiding officer, otherwise the President of the Senate officiates. If found guilty by two-thirds of the Senators present, the person so accused may be removed from his position and disqualified from holding any other office of honor, trust, or profit under the United States. That is as far as Congress can go toward punishing him ; any further punishment must be imposed by the ordinary courts of justice after a regular trial by jury, as in other offences against the law.

An impeachment trial is an awe-inspiring affair. Many of you have heard about the impeachment of President Johnson. Well, think of it ! Think of the House of Representatives, solemnly, in the name of the people of this great country, arraigning the President at the bar of the Senate ; and think of the Senate, presided over by the Chief Justice of the United States,

sitting in judgment, possessing the power to remove the head of the Republic from office ! In all the range of human pomp and power, what spectacle more imposing, what tribunal more august, can your fancies picture ?

The House of Representatives of the Forty-fourth Congress kept a number of investigating committees at work. The Democrats, as I have said, were in control of the House, and they were vigilantly overhauling the Republican administration of the Government. In groping about after official error and delinquency on the part of their opponents, one of the committees of the House came to the conclusion that it had found a culprit in the person of a distinguished ex-member of the Cabinet, a gentleman who had until within a few days been the Secretary of War. As I took the liberty of calling Mr. Kilbourn by the name of John Doe, I shall call this official by the name of Doe's fictitious associate, Richard Roe.

The committee recommended to the House that " Richard Roe, late Secretary of War, be impeached of high crimes and misdemeanors while in office." This was on the 2d of March, 1876. I give the dates, that you may realize the deliberate manner in which each body moved.

The House adopted the recommendation, and appointed a committee of five members to proceed to the bar of the Senate, there to impeach Richard Roe, late Secretary of War, of high crimes and misdemeanors, and to request the Senate to take proper action. The next day members of the committee so appointed appeared in the Senate, and, being duly announced by the Sergeant-at-Arms, they marched down the broad centre aisle to the bottom step, where they paused. Then Representative Clymer, the chairman of the committee, in a very effective style of oratory, said :

" Mr. President : In obedience to the order of the House of Representatives we appear before you, and in the name of

the House of Representatives and of all the people of the United States of America, we do impeach Richard Roe, late Secretary of War, of high crimes and misdemeanors while in office ; and we further inform the Senate that the House of Representatives will in due time exhibit articles of impeachment against him, and make good the same. And in their name we demand that the Senate shall take order for the appearance of the said Richard Roe to answer said impeachment."

Then the committee retired. Subsequently the House prepared the articles, and appointed seven of its members as managers to conduct the impeachment. On the 4th of April these managers appeared at the bar of the Senate and were announced. The chief manager, Mr. Lord, then spoke as follows :

" Mr. President, the managers on the part of the House of Representatives are ready to exhibit on the part of the House articles of impeachment against Richard Roe, late Secretary of War."

The President *pro tempore* (Senator Ferry) at once said : " The Sergeant-at-Arms will make proclamation."

Thereupon Mr. French, the Sergeant-at-Arms, arose from his chair on the right of the presiding officer and walked to the end of the Secretary's desk, where he cried out, in a loud voice :

" Hear ye ! hear ye ! hear ye ! All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Richard Roe, late Secretary of War."

The chief manager then read the articles of impeachment, which contained a statement of the alleged misbehavior of the ex-officer, after which the President *pro tempore* said : " The Chair informs the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives."

The next day the Senate organized itself as a court. The Chief Justice of the United States was sent for, and he administered to the President *pro tempore* and each of the Senators present, the following oath: "You do solemnly swear that in all things appertaining to the trial of the impeachment of Richard Roe, late Secretary of War, now pending, you will do impartial justice according to the Constitution and laws. So help you God."

On the 17th of April the trial formally began. On that day the Capitol was literally packed with people, all eager to witness the uncommon and imposing proceedings. The Senate transacted its usual business for half an hour, when the President *pro tempore*, striking with his gavel, arrested debate and made this announcement:

"The hour of twelve o'clock and thirty minutes having arrived, in pursuance of rule the legislative and executive business of the Senate will be suspended and the Senate will proceed to the consideration of the articles of impeachment exhibited by the House of Representatives against Richard Roe, late Secretary of War."

He then ordered the Sergeant-at-Arms to make proclamation, which was done as follows—a form of proclamation thereafter made by Mr. French regularly every day at the opening of the court:

"Hear ye! hear ye! hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Richard Roe, late Secretary of War."

The Chief Justice administered the oath to such Senators present as had not been sworn; and the Secretary was instructed to notify the House that the Senate was ready to proceed with the trial, and that seats were provided for the accommodation of the members.

Within a few minutes Richard Roe and his counsel entered, and they took seats at a long table to the right of the Secretary's desk. After them, the managers on the part of the House were announced, and they took seats at another long table to the left of the desk.

Mr. Lord stated that the House of Representatives had resolved itself into a Committee of the Whole and would attend on being waited upon by the Sergeant-at-Arms. Mr. French was accordingly despatched to the House, and in about three minutes he returned, followed by the Chairman of the Committee of the Whole, the Speaker, the Clerk, and the members of the House.

Mr. French having made oath that he had served upon Richard Roe the summons of the Senate, notifying him to be present, the President *pro tempore* instructed him to "call Richard Roe, the respondent, to appear and answer the charges of impeachment brought against him." So Mr. French again took his stand at the end of the Secretary's table, and shouted away as if the late Secretary of War were in Alaska, instead of sitting serenely in front of the desk :

"Richard Roe, Richard Roe, appear and answer the articles of impeachment exhibited against you by the House of Representatives."

Then stood up ex-Senator Carpenter, one of the counsel for Mr. Roe, and one of the most brilliant lawyers this country has ever seen. Running his fingers through his long, iron-gray locks he gave his head a shake, and in his fiery, dashing style, thus answered for his client :

"Mr. President: Richard Roe, a private citizen of the United States and of the State of Iowa, in obedience to the summons of the Senate as a court of impeachment to try the articles presented against him by the House of Representatives of the United States, appears at the bar of the

Senate sitting as a court of impeachment and interposes the following plea."

The plea stated that, as the respondent, Richard Roe, was not then an officer of the Government, but a private citizen of the United States, the House had no right to impeach and the Senate was without authority to try him—in other words, that the Senate had no jurisdiction over him.

This "plea to the jurisdiction" raised an important question of constitutional law at the very threshold of the trial, and nothing could be done until its decision. The Senators debated the matter for days, the arguments being made with closed doors, just as in executive session, and did not reach a decision for a month or more. On the 1st day of June a majority of the Senators concluded that the Senate had jurisdiction—that is, that it had a right to try the articles of impeachment, notwithstanding the fact that the respondent was not an officer of the Government at the time of the impeachment.

After another month consumed in legal parleying and delays, the Senate, on the 6th of July, proceeded with the trial as on the plea of "not guilty." Opening speeches having been made, witnesses were produced by the managers to testify against the respondent, and they were examined and cross-examined, and their statements sifted by redirect-examination and recross-examination. Then other witnesses were produced by the respondent to answer the statements of the witnesses on the part of the managers. On the 19th of July evidence was closed, and arguments were then made by the managers and counsel for respondent. These arguments were many and elaborate, and lasted from the 20th to the 27th of July.

At length, on Tuesday, August 1st, a vote was taken by the Senate upon the guilt or innocence of the accused. There were five distinct charges, or articles of impeachment, and a separate vote was taken on each article. For instance, the first

article was read, and then the President of the Senate asked each Senator this question :

“ Mr. Senator ———, how say you? Is the respondent, Richard Roe, guilty or not guilty of high crimes and misdemeanors as charged in this article ? ”

To which the Senators responded, the responses were recorded, and the vote announced. Then the second article was read, the same question propounded to the Senators, and so on through the series of articles.

The result was that the respondent was acquitted upon each and every one of the five articles of impeachment exhibited by the House against him, and a judgment of acquittal was accordingly entered by the Secretary. Senator Edmunds then made a motion that the Senate sitting for that trial adjourn without day ; and the motion being agreed to, the President *pro tempore* said :

“ The Senate, sitting for the trial of the impeachment of Richard Roe, stands adjourned without day.”

Whereupon the Senate threw off its judicial robes* and returned to its other business. And so the long and great trial came to an end, and the gentleman who had been impeached by the House of Representatives went out into the world, with all his rights and privileges of citizenship preserved, and with the congratulations of his many friends.

Of course, during this long period the Senate had not neglected its legislative duties. It would meet at the ordinary hour and go ahead with its ordinary work, then suspend it and proceed with the trial for a few hours, then suspend the trial and go back to legislation, and then perhaps conclude the day with an executive session—all being done continuously, without interruptions by recess or other loss of time. It is rather in-

* A figure of speech, by the way, for only the Justices of the Supreme Court wear judicial toggerly.

teresting to think of the Senate in one day doing so many different things—now attending to legislative, now to executive, now to judicial, and now resuming its legislative business. But it did it.

So you see that the Senate of the United States, with its variety of powers, is, after all, a decidedly peculiar, versatile, and majestic body.

CHAPTER XXX.

DIVERSIONS.

As we pages shared with the law-makers the onerous work of legislation, it was but fair that we should share the legislative pleasures. "Partakers in every peril, in the glory we were entitled to participate." The justice of this principle was never disputed; and accordingly, whenever or wherever senatorial ceremonies or festivities were under way, we were to be found in the company of the Senators.

During the first session of the Forty-fourth Congress we took part in two gala frolics. To one of these I have incidentally referred. You have all heard of the great Centennial Exposition of 1876. While the buildings were being erected the citizens of Philadelphia invited the members of the Senate and House, together with the President and his Cabinet, the Justices of the Supreme Court, and certain other Government officials, to visit that city and see how the work was progressing. The invitation was accepted. Quite a number of pages went along, and this holiday journey did not cost any of us a cent. A special train was provided, and on Friday, the 17th of December, 1875, we said *au revoir* to Washington and started on our journey to the Quaker City. We reached the station in West Philadelphia in the evening. Carriages were in waiting, and the members of the visiting party were driven to hotels, and, on the morrow, to the Exposition grounds.

Arriving there, we were shown various buildings and sights,



W. A. Rogers.

and then taken to Horticultural Hall, where the gayeties were to culminate in a grand banquet. Great preparations had been made. In the centre of the large room were thirteen long tables, and all around us were exotics and other choice plants and flowers. President Grant was given the seat of honor at the middle table, and the other guests were distributed about miscellaneously, we pages selecting some special tables where we could have a good time and enjoy the feast undisturbed.

When all the guests at the other tables had done justice to the viands, the remainder of the time was devoted to speech-making. But the fact that we were still busily engaged in satisfying the appetites of boys is my excuse for not giving you a more detailed description of the doings of our seniors.

Later on, we made another journey to Philadelphia. The members of Congress received an invitation to attend the opening of the Exposition, and, as before, the pages went too. On the 9th of May, 1876, cars were placed at the Senators' disposal, and most of the pages left on the early train. We had to take a roundabout journey this time by the way of York, Penn.; but we enjoyed it. Whenever the cars stopped, if only for an instant, we would spring to the ground and then jump back again. I suppose many people wondered at the meaning of this. Our object, however, was to be able to say that we had honored the soil of that particular place by touching it. As we crossed the Susquehanna River the train "slowed-up," and we alighted upon the long bridge and began to admire the river. Some of the pages came from the rear car, and so lost in their study of the scenery did they become that they only recovered their wits in time to see the train darting through the town of Columbia, half a mile away from them. It was fortunate that it was the first section of the Congressional train. After waiting for several hours, they boarded the second section; but I think the little episode of the bridge caused them

to take no further interest in the scenery during the remainder of the trip.

On the next day the great exhibition was formally opened. It was a glorious affair. The proceedings were witnessed by the Senators and pages and other guests from the grand stand erected for their accommodation ; and by tens of thousands of other visitors massed upon the grounds. And on the following day the Congressional train carried back to Washington a goodly company of law-makers, among whom none were more weary from the unusual exertions of the great ceremonial than the Senate-pages.

It is scarcely necessary to state that we were not obliged to go away from Washington for diversion. We made the most of our leisure time during a session. Nearly every morning in fair weather we played match games of base-ball with the House-pages, in the large plaza east of the Capitol. Usually the screaming of the whistles at twelve o'clock would stop us in the middle of a game, and we would rush into the Senate-chamber just in time to hear the Vice-President pronounce the words, "The Senate will come to order !" It required a great amount of will-power for a troop of boys to leave an exciting contest of ball and, within a minute, change to the hard mental work of legislation. That we did it, shows the versatility of our talents.

Frequently a Senator, about to enter the Capitol, would pause for a short time to take part in our game, and it was no uncommon sight to see a dignified law-maker jumping from the ground to catch a ball flying above his head, while it was even less uncommon to see him "muff" or miss it altogether. Still, they were merely a little out of practise—so they said—and they enjoyed the sport as much as we enjoyed it.

General Garfield, while a member of the House, often played truant and ran out into the suburbs of the city to witness this favorite pastime, when his presence was perhaps needed at the

Capitol. I remember one afternoon when he reached the stand on the grounds a few minutes after I did. I was leaning against the front rail of the platform, and, clapping me on the shoulder, he asked, "Who's ahead?" I gave him the information, and he thereupon became so interested in the game that he seemed unaware that his heavy weight upon my little body was, to say the least, inconvenient. He was constantly exclaiming: "Good catch!" "Fine hit!" "Oh! what a muff!" and other well-known extracts from base-ball language, and he soon grew so vehement as to make me feel the effects. I thought it wise to move to a place of safety, and finally succeeded in edging away through the crowd, "somewhat the worse for wear."

On summer evenings we would go boating on the beautiful Potomac, and prove on the water, as well as on the land, our superiority over our rivals of the Lower House. Four of us once put off in a row-boat—a delicate outrigger—and pulled up the Potomac as far as the rapids, and then we turned about. On the homeward trip we had a pleasant time for a spell—now singing a choice selection from an opera, now quietly gliding along with no sound but that made by our oars. But as we neared the city the other pleasure parties gradually retired, and the river was left entirely to us. Having no one else to bother, we had but one recourse for excitement, to row a race between ourselves. As we were all in the same boat, this feat may seem to the average intelligence quite impossible. Here we manifested our genius. Two of us pulled one way and two the other! It was an interesting tug of war. For some time the little craft remained almost motionless in the stream; but finally, as in the old-time wagers of battle, Might prevailed and the shoreward oars won the victory.

Even when at work the statesmen managed to contribute to our pleasure; and from this fact, and from our efforts to reciprocate,

cate, it may justly be inferred that the proceedings of the Senate were not always so sombre as I may have led you to suppose. The traditional decorum of that body was occasionally disturbed by laughter ; though I noticed that it was usually a mild, gentlemanly sort of laughter. There was nothing wrong about that, for things occurred which rendered laughter necessary ; it really would have been impolite not to laugh.

Certain Senators could not rise to address the Senate but it would be a signal to prepare for amusement. There was a galaxy of humorous speakers, beneath whose pleasantries, however, lay good common-sense. There were, also, quaint talkers, who expressed their views in a peculiar style that charmed the ear by its novelty ; there were impassioned, eloquent Senators ; there were keen, quick debaters ; and there were oratorical logicians. Many of the Senators were masters of rhetoric, and when they spoke their associates and the people in the galleries gave the closest attention. A few, belonging to a class known as " sledge-hammer orators," were not so fastidious about rhetoric and syntax ; they rained down clinching blows of logic, but they sometimes damaged the English language as well as silenced their antagonists. One of them was making a very strong argument against certain propositions advanced by the Opposition ; and he concluded each point with the words : " Now, Mr. President, I ask, Can it be *did*? I repeat, Can it be *did*? " After pausing to give any other Senator a chance to say that it *could* " be did," he brought his fist down upon the desk, with a force that made the ink-well rattle, and added : " No, Mr. President, it can *not* be did ! It can *not* be did ! ! " And then he proceeded to show that something else proposed by the other side could not be did. Those remarks, as may be taken for granted, were revised by the official reporters before publication in the *Record*.

Some of the Senators had interesting eccentricities of gest-

ure. For example, Senator Howe always threw one of his legs across the arm of a chair when beginning a speech, and kept it there until he finished. Senator Kernan had a habit of striking out with his hands exactly like the movements of a swimmer; that was the only gesture I ever saw him make. Senator Carpenter usually spoke with his hands in his pockets. Senator Nye generally turned his back upon the Vice-President and talked to the ladies in the gallery; from his attitude, a stranger might have been pardoned for assuming that the presiding officer of the Senate sat upon the roof.

Senator Oglesby, however, had entirely original methods of emphasizing his remarks. I well remember one instance. He had the floor on a question of great national interest, and spoke with marked effect. During the speech he pushed aside the chairs near his desk, and as his eloquence increased he excitedly paced back and forth in the space thus cleared. With a grand flourish of words he concluded. The people in the galleries started an applause. I could hear it coming, like the rumbling of distant thunder. The Senator knew that he had scored a triumph, and, casting upon the other law-makers a compassionate smile, he sat down—upon the floor!

Even accidents gave rise to mirth. Senator Pratt occupied a seat on the back row, and every day he used to roll up his heavy *Record* into a tight package, ready for mailing, and toss it to the pages. At times, when they were stretched out in lazy attitudes, he would try to rouse them. Once, when he wished to have some extra fun, he stood up and threw the package, apparently with all his might. But either he did not take good aim or his arm slipped, for the *Record* whizzed through the air and struck Senator Anthony on the back of the head. With a cry of pain, that venerable Senator jumped to his feet, his eyes glistening with astonishment and vengeance. Turning fiercely around (expecting, perchance, to fasten the

guilt upon a page), he saw Mr. Pratt bowing profoundly and profusely, the other Senators smiling. So Mr. Anthony forced a smile to his own face, and with an elegant obeisance, that signified "Oh! it didn't hurt; do it again if you wish," he resumed his seat. But he rubbed his head for an hour or more.

Indeed, the veriest trifles sometimes sufficed to arouse the merriment of the Senate and furnish entertainment to the galleries.

A Senator over on the Democratic side of the Chamber sailed a letter into the air. It travelled in a series of eccentric and graceful curves. The pages ran and took up different positions where they thought it would fall, and the confusion caused the Senators to pause in their proceedings and watch the affair. I was at the extreme end of the Republican side, near the eastern door of the room, and a current of air in the upper regions seized the missive and bore it swiftly toward me. As it went floating over my head, I made a leap and (by the merest chance) caught it between the first and second fingers of my left hand. The achievement was thoroughly appreciated.

My early experience in executive session apparently caused Senator Sumner to take a lively interest in me, and he seemed to acquire an especial fondness for catching me by the ears. Often have I attempted to pass the Senator, while he would be walking to and fro on the floor of the Senate, only to have both my ears seized good-naturedly, and to be asked some kindly question. I shall always remember one of these adventures. He had sent me on an errand. Having returned, reported to him the answer, and received his deep-voiced thanks, I started to move away, but he had caught me, and continued his slow march—I in front, Indian file. As he was a tall man and I a very small boy in comparison, I had to walk on tiptoe to ease the pain, and even then it seemed as if my ear would come off my head. The worst of it was that he at once became so lost in



The Page's Adventure with Senator Sumner.

thought that he forgot he had hold of me, and mechanically paced up and down, with his long strides, while I danced a mild waltz for some minutes—it seemed to me hours—to the intense amusement of all who observed it. The more I struggled, the more did I increase the agony, but I at last managed to wriggle away from his grasp. The sudden emptiness of his hand caused him to realize the state of affairs, and he begged my pardon so energetically, and the spectators smiled so audibly, that the proceedings of the Senate were interrupted and Mr. Colfax actually had to tap with his gavel to restore order !

The best performances were in the shape of pantomimes, in which the pages acted the parts of harlequins. A few of us, perhaps, did not have too exalted notions of senatorial dignity ; others meant well but were too impetuous in their movements ; but we all had one characteristic highly developed—a magical way of mysteriously disappearing when wanted and re-appearing when and where least expected.

Once there was something of unusual seriousness being considered in the Senate ; the galleries were filled, and the solemnity of the proceedings was simply awful ! Nearly all of the pages were gathered on the Republican side of the Chair, and looked liked so many penguins as they sat closely together on the lower steps. For a wonder, they were actually sitting still and behaving themselves. Their heads were bending over, as if they were studying the carpet, when another page, on the Democratic side, seeing the state of affairs, took a handful of snuff from one of the boxes and, making a rapid *détour* of the desk, passed his hand beneath the noses of the dozen boys. The deafening concert that ensued completely upset the gravity of the Senate.

On warm summer nights the bats would fly through the open windows of the Marble Room, and, crossing the lobby, dash about the Chamber in a bewildering style. Their gyra-

tions were as nothing, however, in comparison with the antics of the chasing pages endeavoring to drive them from the room.

In racing for messages and turning corners some of the boys would not take the precaution to moderate their speed, and, as a consequence, they were continually slipping and falling. One in particular seemed to make a specialty of slipping down on the large brass register in front of the Secretary's desk.

Senator Morton signalled for a page, and three exerted their best powers to reach him. They were all in a bunch, and the race was so exciting and the distance so short that they could not check themselves in time. The trio struck the desk, nearly wrenching it from its fastenings, and one of the pages went over into the Senator's lap. It shook the statesman's nerves ; it vexed him ; he grasped his cane, and struck at the offenders. But he merely hit the air ; there were no boys in sight. Not only had the culprits disappeared, but all the other pages, anticipating trouble, had prudently absconded. In the course of five or ten minutes, after the breeze had somewhat subsided, a few of them returned—one timidly entering one door, another cautiously emerging through another aperture, and so on. But most of them kept out longer, and their heads could be seen from the Chamber shooting past the gallery doors in the corridors above.

The best incident of this nature occurred while Mr. Wilson was Vice-President. He called for a page, and as nearly all of them were idle there was quite a stampede for the message from either side of his table. The result was a collision which knocked over the chair and sent the Vice-President of the Republic sprawling toward the floor. The attention of the spectators was divided. Some saw Captain Bassett spring from his seat and arrest the presiding officer in his downward course, the broken chair removed, and another one brought in.

Others, it may be said with slight poetic license, felt a peculiar movement of the atmosphere, as if a meteoric body had rushed through the room, and just caught a glimpse of a score of heels disappearing through the various doors !

The House-pages, it may be taken for granted, were not far behind us in matters of this sort. Their movements, to be sure, were not ordinarily as noticeable as were those of the Senate-pages, because of the confusion and greater number of occupants of the Hall ; but, notwithstanding these disadvantages, they occasionally managed to secure recognition for their peculiar talents.

The reputation of one page of former times, whose surname was abbreviated to " Van," descended to the generation of my day as that of a boy who was over much given to mischief and startling surprises. The ceiling of the House-hall, like that of the Senate-chamber, is of glass, through which the rays of the sun by day, and the jets of gas by night, struggle to shine. It was always esteemed by the pages a high privilege to be allowed to go above this ceiling when the electrician was at his evening work, and wander over the board-walks between the rows of panes. One day at dusk, as the Representatives were watching from below the process of illumination an awful crash was heard, and down upon the heads of a group of law-makers came a deluge of heavy glass. When tranquillity was regained the members looked aloft. What they saw was a pair of youthful legs dangling through the ceiling. The remainder of the body was not visible, but the Representatives had no misgivings as to the ownership of the legs. They breathed a sigh of relief and, with one voice, exclaimed : " Hurrah for Van ! "

While on the subject of House-boys, I may say that their achievements within the Capitol were no more ludicrous than those without. They were not so scientific as the Senate-

pages, and lost what prestige they may ever have had as oarsmen by one disaster. Not many years ago a canal flowed through the streets of Washington—that is, if such thick and sluggish waters as it contained can be properly said to “flow.” It was a useless disfigurement of the city; but it was near the Capitol, and it served the purposes of the pages.

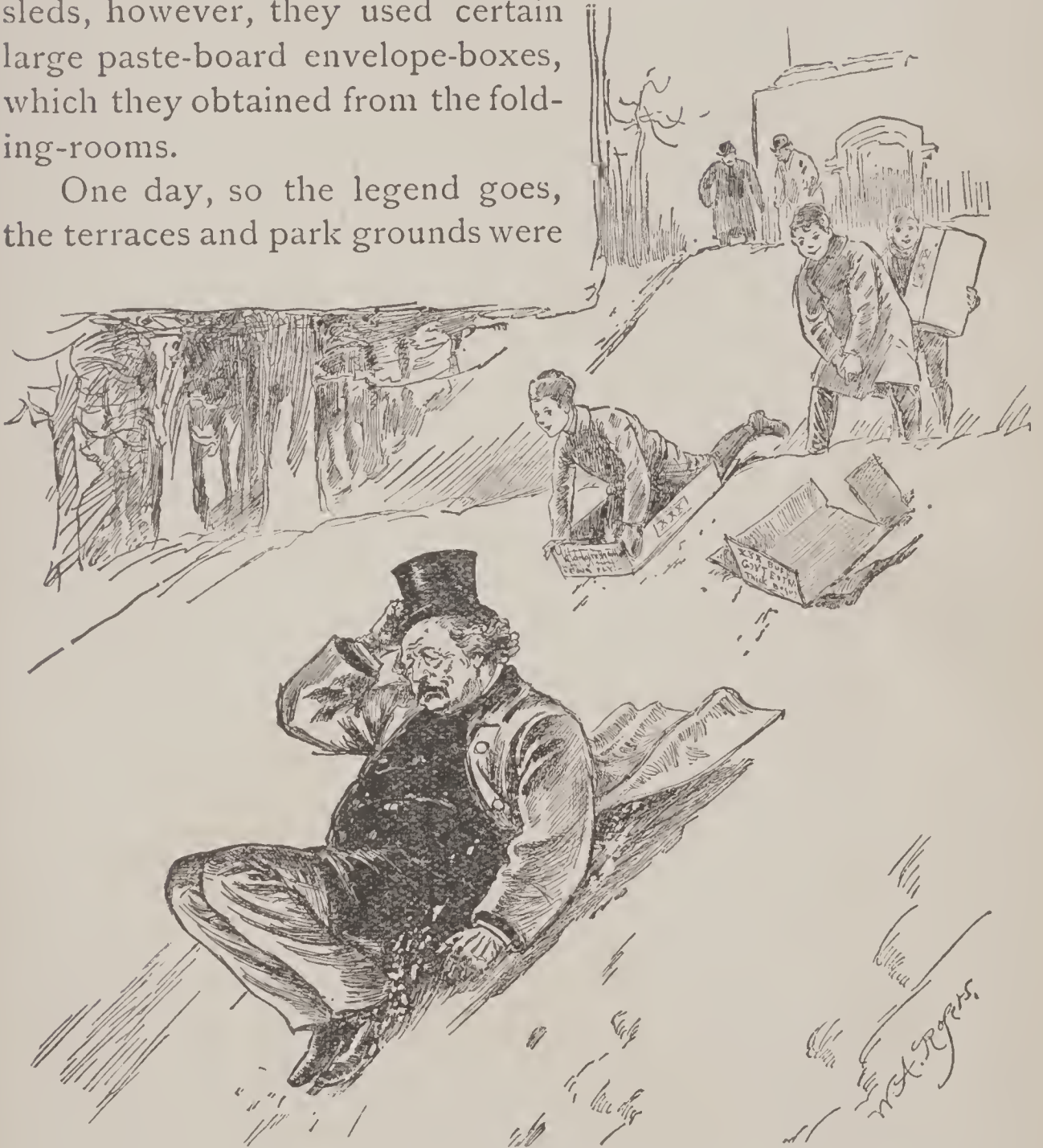
One morning about fifteen of the boys—all pages of the House—decided to while away an hour or two upon the “placid bosom” of this canal. Finding a rickety and abandoned raft, they boarded it and poled their way along with piratical enthusiasm. They had not gone far when they observed the flag floating from the Capitol announcing that the House had convened for the day. Applying their united strength, they attempted, with one herculean shove, to send the raft to land. But, alas! their effort was too great. The raft capsized, and in an instant the shipwrecked mariners were struggling with the “waves!” When fished out they were the most wretched-looking objects imaginable. Their uniforms were completely spoiled.

Mischievous doings were not, however, confined to the pages. That “men are but children of a larger growth” is not only recognized by both Houses of Congress in the rules established to prevent disorder, but the truth of the adage so far as the law-makers and officers of the Senate and House are concerned has been confirmed by countless episodes. A Congressional exploit shortly before my time is conclusive evidence on this point.

When I first went to Washington the western approach to the Capitol, before the pending “improvements” were commenced, was through a fine old park, the heavy foliage of which in spring concealed much of the Capitol from view—the excuse given for the subsequent destruction of the park. The approach then led up two steep parallel terraces, which extended

the whole length of the building. The pages, in winter-time, took advantage of these declivities for coasting. Instead of sleds, however, they used certain large paste-board envelope-boxes, which they obtained from the folding-rooms.

One day, so the legend goes, the terraces and park grounds were



Tobogganing Extraordinary.

covered with a thick, hard coat of sleet; so the envelope-boxes were brought out, and the lively tobogganing began. During the course of the sport General Butler, accompanied

by a few other Representatives, came along, and stopped on the parapet to witness the fun. As he seemed to enjoy the sight, one of the pages asked him if he would take a ride. After a brief deliberation the General remarked: "Well, I think I will."

In a moment a box was placed at his disposal near the edge of the parapet, or upper terrace. Into this, with considerable difficulty, the portly Representative compressed himself, and then he stated that he was "ready." At the word, the pages gave him a vigorous shove, and down he went with lightning swiftness, to the great delight of the assembled spectators. As with increased momentum he struck the second terrace, the box parted, and, with terrific speed, he finished the trip—*all by himself*. And he was still going when lost in the distance of the park.

At one period during the Civil War, when the Confederate troops came within a short distance of Washington, the officers and employés of the Senate organized themselves into a band, or "company," and tendered to the President their services. President Lincoln thanked them for their patriotic offer, and told them that perhaps the best service they could render their country would be to stay where they were and guard the Capitol. They acted upon this advice; but as they were without muskets or other weapons and as no enemy put in an appearance, these valiant defenders displayed their heroism in the only way open to them—they armed themselves with broomsticks and nightly patrolled the halls and corridors of the building. This "awkward squad," or, as it was styled, the "Broomstick Brigade," is not mentioned by the historians of the War. The officer in command was Isaac Bassett, who thus acquired the title of "Captain" which has adhered to him ever since; Arthur P. Gorman, then an officer of the Senate (having started in, like Captain Bassett, as a page) and now a Senator from Maryland,



JAMES I. CHRISTIE

Acting Assistant Doorkeeper (Deputy Sergeant-at-Arms) United States Senate

was second in command, or "Lieutenant;" and redoubtable James I. Christie rejoiced in the distinction of "High Private." Their doings would make interesting reading, and I regret that I cannot devote an entire chapter to them. I have adverted to the matter in order to rescue a fact of history from oblivion, and to add that knowledge of those "doings" was of considerable value to the pages. When taken to task by Captain Bassett or Mr. Christie for some of our extravagant night-session pranks, we had but to cite a "precedent," and judgment would be entered in our favor.

As with the officers of the Senate, so with the Senators themselves—they were all stanch friends of the pages. They remembered that they, at some time or other in the past, had been boys; and their memory of those days, and a lingering, though subdued, propensity for frolic, constituted a strong bond of sympathy between them and their young companions.

I might go on, in my rambling way, and talk to you for hours at their expense; but on this subject I have said enough. Let me place on record as an instance of their kindness one of the last performances in which I figured as a page, and then pass to a few final incidents of constitutional importance.

I had almost completed my boyhood days, and decided to resign my place in the Senate. When my senatorial friends heard of this, they began to give me advice. Among other things it was suggested that I should study law and fit myself to succeed one of the Senators from New York. But I preferred to go to the Naval Academy. Having so decided, the next step was to carry out my determination.

I accordingly consulted several of the influential Senators who had manifested an interest in my welfare, and they promptly responded to my desire. It was the last year of President Grant's administration, and there was a great pressure upon him for all sorts of offices. But the Senators told

me to go myself, nevertheless. So one balmy day I presented myself at the White House, and, under the escort of a Senator, I was shown into the audience-room. Although the President had been warned of my coming by some of the Senators, he went through the formality of asking me what I wanted. I told him that I wished to be appointed a cadet-midshipman-at-large to the Naval Academy.

“ Well,” he quietly remarked, “ make out your application in black and white for just what you want, so that I can have it before me, and bring it here to-morrow morning at eleven o’clock.”

I returned to the Senate, reported the result of the interview, and drew up my application. A Senator suggested that a recommendation should accompany it; and, drafting a testimonial, he sent it to one of the clerks to be enrolled on parchment. Then the Senators began to sign it—Democrats and Republicans alike, all seemed to be eager to record their names. As I would go to one desk to secure the signature of a Senator, his neighbor would call out, “ Pass it along!” And so it passed. I allowed a few members of the House and other distinguished visitors to sign it, just to let them see their names in good company. When finished, it was a formidable document.

The next day I entered the Cabinet Room in obedience to orders. To my astonishment, it was crowded with Senators and other dignitaries. As I entered, the Senators smiled, and said: “ Here he is at last!” which sadly unnerved me and made me feel faint.

The President was sitting at the farther end of his Cabinet-table with his face toward the door, the chair on his right was occupied by a Senator, and the one next to that by a Cabinet officer. At the request of the President, I took a vacant chair close by and produced my *papers*. When I unfurled my

recommendation the President laughed. "What's that," he inquired, "another enrolled bill to be approved?" I told him what it was. "I didn't ask you to get *that*," he said; "let me see your *application*." I gave it to him and he scanned it closely. Then, looking at me intently, he began some mild quizzing and bantering. The others, taking the cue from him, did likewise, some asking me why I didn't choose a Foreign Mission. This caused me to feel still more uneasy, and the President observed it. "Well," he said, "your application is made out in proper form;" and, folding it up, he wrote upon its back exactly twenty-four words, not including the date and the signature, "U. S. Grant."

Of course I did not know what he had written, and I thought his writing on the paper was a bad omen. I had expected him to read the application, and then say: "You shall be appointed;" and I was therefore confused by his action. I resolved to know my fate at once.

"Well, Mr. President," I exclaimed, "I should like to ask you——;" and then I broke down under my excitement.

"What is it?" he asked.

"I should like to ask you," I timidly resumed, "do you—do you——," and as I began to stammer the assemblage again smiled.

"Do I what?" inquired the President.

"Well," I continued, nervously, "do you think there's any—any—any *show* for me?" And the way I brought out that word was appalling!

Then they all began to laugh; but the President checked them.

"Yes," said he, slowly and reflectively, yet I thought I saw his eyes twinkle as he said it, "you stand a '*show*.' There are only about ten thousand applicants ahead of you."

I was stupefied! I looked the President full in the face to

see if he was not in fun. But he was as calm as the midday sky. I grasped my hat, exclaimed "Good-morning!" and rose from the chair. The room seemed to swim around me. The Senator who sat in the adjoining chair must have noticed my pallor, for he caught me by the arm and whispered: "It's all right! You'll get it!"

Without looking at any of the others, I rushed straight for the door!

CHAPTER XXXI.

ODDS AND ENDS.

With the beginning of the Forty-fourth Congress, hostilities arose between both bodies of Congress. The Democrats had control of the House of Representatives ; the Republicans had control of the Executive Mansion and Senate. Both factions were preparing to make their nominations and enter upon a fierce struggle to capture the Executive chair in the fall of 1876, and both were on the look-out for obstructions to success.

In the Upper House, the Republican majority seemed to take it for granted that their party's candidate, whoever he might be, would be elected ; they had some fear, however, that the Democratic majority in the House might try to defeat that election by an exercise of their power under the Constitution.

I have heretofore called your attention to the absence of proper provisions in regard to the counting of the electoral votes, and the possibility of danger by reason of this defect. At the present time, there is no provision whatever beyond the uncertain language of the Twelfth Amendment to the Constitution ; at the count in 1873, there was nothing but that Amendment and the Twenty-second Joint Rule. Before I end this chapter, you will understand how that rule came to be abandoned.

The main provision of the Twenty-second Joint Rule was to this effect—that the Senate and House should assemble in Joint Convention and count the electoral votes, but that no votes should be counted unless both bodies agreed to the counting of the same.

To Senator Morton and other Republican statesmen, this provision seemed to be a magazine, imperilling the safety of the Republic. This was the way they looked at the matter: Suppose the Republican candidate for President should receive a majority of the electoral votes in 1876. At the Joint Convention in the following February, a Democratic House could, under the operation of the rule, prevent a single vote from being counted simply by raising objections, ridiculous or otherwise. Then what would follow? The choice of President would, under the terms of the Twelfth Amendment, be thrown into the House of Representatives, and the Democratic party would thus be able to elect its candidate, notwithstanding the decision of the Electoral College in favor of the Republican nominee.

That these fears were not unfounded was shown by the conduct of the Democratic House at the session of 1876; that they came very near to realization was shown at the following session. Senator Morton forcibly presented his views upon this subject, and succeeded in getting through the Senate a bill to regulate the proceedings of the electoral count—and that was an end of it. Had the House passed the bill, or offered to the Senate a satisfactory substitute, the country would have been spared the humiliation that ensued.*

In the House the majority were displaying their energies in

* The Tilden-Hayes controversy, arising from the election of 1876, is too recent for discussion. So intense was the excitement and so great the danger, that Congress created a temporary tribunal, styled the "Electoral Commission," composed of five Senators, five Representatives, and five Justices of the Supreme Court, to decide upon objections raised in the Joint Convention, thus putting it beyond the power of the House to prevent the counting of the votes. Whether Congress acted within its constitutional authority, in creating that tribunal, is an open question; whether that tribunal acted dispassionately, in its "eight-to-seven" decisions, is also matter of doubt. Whatever might have been expected of the Commissioners selected from the House and Senate; a suspicion that the Justices did not rise superior to partisan considerations shook public confidence in the stern probity and impartiality of the Supreme Court; and this, by people outside of party lines, is justly regarded as the most deplorable consequence of the affair.

more ways than one. They were going for the Republican party with a vengeance—it was the first chance they had had for many a year. They were investigating Republican administration, imprisoning a private citizen for contempt, impeaching a Cabinet officer for something else—and above all these things, there loomed up before them the awful spectre of a Third Term. I am almost tempted to compare that House to the “mad Parliament of Oxford,” of which we read in English history. The Representatives flooded the House with joint resolutions proposing amendments to the Constitution. Some suggested that the office of President should be limited to six years and to one term only, and that the Presidents and Vice-Presidents should be made Senators for life. Others wished to limit the terms of *all* civil officers to *four* years. Nothing was ever done, however, with the numerous joint resolutions so offered; but the House *did* adopt a resolution declaratory of its sentiments on the subject of a third term. Here it is :

Resolved, That, in the opinion of this House, the precedent established by Washington and other Presidents of the United States, in retiring from the Presidential office after their second term, has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic, and fraught with peril to our free institutions.

This was adopted by a vote of 233 yeas to 18 nays (38 not voting); so it seems that the Representatives, Republicans as well as Democrats, were almost unanimously of opinion that President Grant ought not to stand upon the order of his going, but should “go at once.”

The House also considered various resolutions in regard to the nationality and indissolubility of the Union and in regard to the Rights of States. One of these was finally adopted by a vote of 150 to 42 (97 not voting), and, as I find the names of

both Democrats and Republicans in the list of those who believed in the sentiments expressed, it may be put down as an amicable interpretation of the Constitution :

Resolved, That the people of the United States constitute a *nation* in the sense, to the extent, and for the purpose defined in the Federal Constitution.

Resolved, That the Government of the United States is a Federal Union, and was formed by the people of the several States in their sovereign capacity; that the rights and powers of the United States Government are defined and limited by the Federal Constitution, and these rights and powers cannot be enlarged or diminished except by an amendment to the Constitution.

Resolved, That the rights of the States have the same sanction and security in the Constitution as the rights and powers of the Federal Government, and that local domestic government by the several States within the limits of the Constitution is absolutely necessary for the preservation of the liberties of the citizen and the continuance of our republican system of Government.

Resolved, That the doctrine that a State has a right to secede from the Union is in conflict with the idea of a "perpetual union" as contemplated by the Constitution, and should be regarded as being forever extinguished by the results of the recent civil conflict.

That is what I should call a "Congressional platitude." You may take it for what it is worth. So far as its legal effect is concerned it has none. The House could not, by an "opinion," add to or subtract from any feature of the Constitution, and its interpretation of the meaning of that instrument is binding upon no one. The Federal Judiciary is the only power known to our Government which can give an authoritative opinion on such a subject. My own notion is that the resolution states the truth, but I do not quite understand why that particular House felt called upon to tell the American people what it thought of the majesty and power of their Republic. It had a right to do so, of course.

Then the Representatives also adopted a resolution which said that, in their opinion, no "subsidies" should be granted by the Government to public or private enterprises; and that, on account of the condition of finances at that time, all appropriations should be limited to the *imperative demands of the public service*. You will thus observe that, if the Forty-fourth House did not do much in the way of legislation, it at least knew what it ought *not* to do. These various resolutions all "tested the sense of the House."

But the quaintest thing the Representatives did was to pass a resolution requesting President Grant to inform them how many days, during his two terms of office, he had been away from the seat of Government, and what official acts he had done when so absent. It is a well-known fact that during the sultry days of summer, many people who can afford the luxury go to the mountains or to the seaside in search of comfort; and, when Congress is not in session, Representatives and Senators generally go along with the throng, to say nothing of the judges and other officers of Government. And so, General Grant, believing that he was not debarred from enjoyment of ocean breezes simply because he was a President, decided that he would not remain cooped up in Washington. It was his wont to go to Long Branch every summer, and these absences were what the Democratic House called in question.

When President Grant received that resolution, I think he must have enjoyed its wit. He answered it, however. He told the Representatives that it was none of their business! That, in substance, was what he said; but he really did give them some information—some *law* as well as *facts*. He told them that he was willing to advise them of anything necessary for them to know in the performance of their duties as Congressmen. Their duties, however, could only be either *legislation* or *impeachment*. But, reasoned the President, the authority of the Chief

Magistrate is co-extensive with the United States, and he surely has the right to perform his duties wherever he may be within the national domain, and, having that right, under the Constitution Congress cannot limit its exercise by *legislation*. Therefore, the information was not necessary *in that respect*. And if it was the object of the House to get the information in order to *impeach* him, then the request was improper, because no one, under the law, can be required to testify against himself. "Therefore," said the President, in effect, "I'll not tell you ; and if you make any law imposing restrictions upon my movements or the exercise of my executive prerogatives, I will not obey them—I will recognize the higher authority of the Constitution." That is what he told them, up and down !

Yet, in order to give them some reward for their anxiety, he volunteered the information that during all his administration, wherever he may have been, the interests of the Government had never been neglected and that he had at all times faithfully performed the duties of his office in accordance with his oath. He informed them that it had been the custom of every one of his predecessors from Washington to Lincoln (except Harrison, who lived but one month after his inauguration) to absent himself from the seat of Government ; and then he gave them a memorandum showing the number of days his predecessors had been away, and reciting some of the important official acts performed by them during such absences. And the funniest thing about it all was, the memorandum disclosed the fact that Thomas Jefferson, whose memory the Democratic Representatives absolutely adored, had, during his two terms, been absent from the seat of Government more than any other President on the list !

This incident combines instruction and amusement. The Representatives, amid a great beating of tin-pans, had assaulted the President with a *resolution* ; he retaliated and completely disconcerted them by a simple *memorandum*.

But the Democratic House was not the only body he hit that year. The Senate passed a bill reducing the salary of the President to \$25,000—to take effect, of course, at the beginning of the next Administration.* The House concurred in the action of the Senate, and the bill went to the President for his approval. But he promptly returned it to the Senate, with the remark that, “from a sense of duty to his successors in office, to himself, and to what is due to the dignity of the position of the Chief Magistrate of a nation of more than 40,000,000 people,” he could not give it his signature and sanction. Thus, while the President struck the Democratic House with a memorandum, he hurled at his own friends, a Republican Senate, his mightiest weapon of defense—a veto!

I shall never forget the House of 1876. It was an investigating and imprisoning House; and as it was on the search for extravagance in public office, it thought it ought to make a show of economy itself. So it made the “show.” This item of “consistency” is about the only thing I can record in its favor. I have a little anecdote at hand.

When the summer days came on, the Senators, as usual, had their fans and their huge tubs of lemonade and their large coolers of iced-tea, to mitigate the force of the weather. Some of the members of the House endeavored to have similar refreshments ordered out of its “contingent fund,” but the Chair-

* The Constitution (Article II., Sec. I., cl. 6) provides that “The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected.” The “salary-grab” act, which increased the compensation of the President from \$25,000 to \$50,000, was passed on the 3d of March, 1873, one day before the second term of President Grant began. The proposed reduction to \$25,000, could not, therefore, take effect before the 4th of March, 1877. The Constitution (Article III., Sec. I.) also provides that the compensation of the Federal Judges shall not be diminished during their continuance in office. Hence the repeal of the salary-grab law could not have affected the salaries of the Chief Justice and Associate Justices of the Supreme Court, even had Congress not expressly noted this exception in the act of repeal.

man of their Committee on Accounts would not consent. The result was, that the thirsty and broiling Representatives came over to the Senate ; and, as they were deserving objects of compassion, the Senators generously allowed them to help themselves. I really think that on a hot afternoon a quorum of the House would saunter into the Chamber within an hour. At any rate, nearly all came at one time or another, and came very frequently too—all, of course, except those who were opposed to such “extravagance.”

One afternoon, a Senate-page passed through our western cloak-room, and, seeing something, quickly ran out into the Chamber and began whispering to Senators. A few minutes, and quite a crowd of us—Senators, officers, and pages—were gathered about the cloak-room door enjoying the spectacle within. And our curiosity was permissible, for there, standing over one of the tubs, with his back to the door and utterly unconscious of our gaze—there, drinking with famished haste our precious and extravagant lemonade, was—the Honorable and Economical Chairman of House Accounts !

The neatest thing done that year was done by the Republican Senate—its victim was the Democratic House.

In the year 1875 one of the joint rules of the Senate and House (No. 16) provided that no bill passed by one body should be sent for concurrence to the other on either of the last three days of the session ; and another (No. 17) provided that no bill or resolution should be sent to the President, for his approbation, on the last day of the session. These two rules (designed to prevent the Houses of Congress and the President from being embarrassed by a crush of work in the closing hours of a session) were excellent—it would have been wise, therefore, to enforce them ; as a matter of fact they were suspended by concurrent resolution regularly perhaps every year. The evil still exists.

The most important Joint Rule was the one in regard to counting the electoral votes, and known as the Twenty-second. Now, when the Senate met in December, 1875, it did so with the intention of passing a law in regard to the electoral count; hence, as before noted, it did not care for the Twenty-second Joint Rule. It did, however, think the other rules of value, in the transaction of business between the two bodies, and as it was the beginning of a new and anti-Republican House, and there being a doubt whether the Joint Rules in force during the Forty-third Congress were binding upon the Forty-fourth unless expressly adopted, the Senate, on the 22nd of January, 1876, sent to the House the following resolution :

Resolved by the Senate (the House of Representatives concurring), That the joint rules of the Senate and House of Representatives, in force at the close of the last session of Congress, excepting the twenty-second joint rule, be, and the same are hereby, adopted as the joint rules of the two houses for the present session.

The House took no action whatever in the matter, for it was just as eager to retain the Twenty-second Joint Rule as was the Senate to discard it. On the 14th of August, however, the House sent over to the Senate its usual resolution, providing for the suspension of the Sixteenth and Seventeenth Joint Rules. The Senate saw its opportunity. It knew that the House did not intend to pass Senator Morton's bill or propose any other arrangement about the counting of the electoral votes. The Republican Senators did not intend that the House should have the advantage which the old rule gave to them. Accordingly, within a few minutes after the House resolution was received, Senator Edmunds arose and, in his quiet way, said to Senator Sargent, who had the floor : " May I ask the Senator from California to allow to be taken up, *as a matter of courtesy to the House*, a resolution the House has sent here

suspending, as they supposed, the sixteenth and seventeenth joint rules ? ”

Senator Sargent said he would give way if the matter would not lead to discussion. Senator Edmunds assured him that there would be no debate. There was none. Senator Edmunds offered, and the Senate without hesitation passed, the following resolution :

Resolved, That the resolution of the House of Representatives presented this day in the following words : “ *Resolved by the House of Representatives (the Senate concurring)*, That the sixteenth and seventeenth joint rules be suspended for the remainder of the session,” be *respectfully returned* to the House of Representatives, *with the statement*, that, as the House of Representatives has not notified the Senate of the adoption of the joint rules for this present session, as proposed by the resolution of the Senate of the twentieth day of January last, and transmitted to the House on the twenty-second day of the same month, *there are no joint rules in force*.

Which courteously and effectually disposed of the whole question !

Thus it was that the Twenty-second Joint Rule fell to the ground. I did not wait to see the Electoral Commission take its place. This little affair with the House was one of the last subjects that came under my observation as a page. For on the very next day, to wit, on Tuesday, the 15th of August, 1876, at half-past seven o'clock in the evening thereof, the Senate and House of Representatives adjourned *sine die* ; and with the close of that first regular session of the Forty-fourth Congress my career in the legislative councils of my country came to an end.

CHAPTER XXXII.

ANTAGONISMS.

The Senate has always been rather aristocratic and pompous in its bearing and a stickler about forms of etiquette. The House, on the other hand, has always been eminently democratic and belligerent. These characteristics were shown at the very beginning of the Government in the contest over so simple a matter as the style of address to the President ; they are as noticeable now as they were then. The Senate stalks with stately strides, in polished, high-heeled boots, a *boutonnière* in its swallow-tailed coat, its ambrosial locks carefully smoothed, and with a peculiar hauteur of tone and deportment. The House is anything but frigid. It cares nothing for the conventionalities of drawing-room society. It shambles about with mud on its rustic shoes, its hair unkempt, its voice now jovial, now quarrelsome, but uniformly loud and boisterous ; and thus, in its general appearance and demeanor, it reflects the matter-of-fact and pugnacious, yet withal sterling and good-natured, qualities of the masses. (Of course, this is to be taken in a Pickwickian sense.)

This was just what the framers of the Constitution foresaw ; and in committing the law-making power of the Government to separate bodies, possessing opposite characteristics—the one peculiarly hot-tempered and impulsive, the other peculiarly deliberate and grave—they were guided by the lessons of history and wisdom. Large bodies of men are very apt to act upon the passion of the moment ; small bodies are apt to be more reflective and sedate. The tendency of the House of Repre-

sentatives toward hasty and emotional legislation is counteracted by the conservative influence of the Senate. The entire House comes directly from the people every two years ; the members may be young and inexperienced ; they may be chosen under intense popular excitement ; they may enter upon their duties with a political frenzy due to that excitement ; and under that frenzy and in an unguarded moment they might, by a rash and thoughtless act, inflict upon the nation disaster and disgrace which no amount of remorse or penance afterward could undo. As a check upon such a body, the Constitution provided for the Senate, to be composed of older and wiser men ; their elections removed from the influences to which the elections of Representatives are liable ; their terms of service longer, and so arranged that no tidal wave of popular prejudice and fury could, at a given time, subvert the controlling qualities of the assembly by sweeping into it a majority of raw recruits or political fanatics entirely in unison with the Lower House.*

* These considerations are admirably stated by Chancellor Kent : " The division of the legislature into two separate and independent branches is founded on such obvious principles of good policy, and is so strongly recommended by the unequivocal language of experience, that it has obtained the general approbation of the people of this country. One great object of this separation of the legislature into two houses, acting separately and with co-ordinate powers, is to destroy the evil effects of sudden and strong excitement, and of precipitate measures, springing from passion, caprice, prejudice, personal influence, and party intrigue, which have been found, by sad experience, to exercise a potent and dangerous sway in single assemblies. A hasty decision is not so likely to proceed to the solemnities of a law, when it is to be arrested in its course, and made to undergo the deliberation and probably the jealous and critical revision of another and a rival body of men, sitting in a different place, and under better advantages to avoid the prepossessions and correct the errors of the other branch. . . . The small number and long duration of the Senate were intended to render them a safeguard against the influence of those paroxysms of heat and passion, which prevail occasionally in the most enlightened communities, and enter into the deliberations of popular assemblies. . . . The characteristical qualities of the Senate, in the intendment of the Constitution, are wisdom and stability. The legal presumption is, that the Senate will entertain more enlightened views of public policy, will feel a higher and juster sense of national character, and a greater regard for stability in the administration of the government."

It is essential to a proper appreciation of the excellence of Congress as an institution, that this constitutional separation of the law-making department into independent bodies, with the privileges of each carefully defined, should be thoroughly understood. That you should the better realize the difference between the nature of the two bodies, I have dwelt, with some freedom and emphasis, upon disorderly proceedings of frequent occurrence in the Lower House and almost unknown to the Upper. That those occurrences, at times, descend far below the level of propriety I have not deemed it necessary to conceal.

The House of Representatives is the only institution of our Government which is in entire keeping with the spirit of a true Republic. Unlike the Senate, unlike the Executive, unlike the Federal Judiciary, the House comes directly from the people of the whole country, upon terms of perfect equality, without the intervention of legislatures, electoral colleges, or other appointing-agencies. And yet, apart from the power of the States in the Senate and in the choice of President and, consequently (through the medium of the President and Senate), in the selection of the Judiciary, ours is a representative and popular Government—a Government which recognizes the rights of all classes of citizens, the poor as well as the rich, the unlearned as well as the learned, the rough and uncouth as well as the polished and refined; and if ignorance is displayed in our legislative halls, whether in the House or in the Senate, it is because an ignorant or thoughtless constituency has exercised its right of representation. If, therefore, you at any time hear of a Representative or Senator who apparently forgets, for a moment, the dignity that is expected of him as an American law-maker, you should blame the particular constituency that elected him, and not condemn the intelligence of the general public or the great principles of our Government which render such a legislator possible.

In so large a collection of men as the House of Representatives, it is almost inevitable that there will be some members who are of an indiscreet or rash temperament. Scenes of disorder and confusion like those I have described are found in all popular assemblies throughout the civilized world ; and in this respect the House of Representatives compares favorably with the Chamber of Deputies of France, and the House of Commons of Great Britain. And I may also add, that the House of Representatives of to-day is, in proportion to its size, more decorous than its predecessors. Its largely increased membership has destroyed, perhaps, some of its efficiency, and it may become necessary to place another constitutional limit upon the ratio of representation or upon its numbers ; but in its worst moments I have never known it to approach a scene in the House of 1798, when two, out of the one hundred and five members, fought in open session with tongs and hickory club, or to another scene late in the present century when half a dozen Representatives rolled over and over in the area of freedom, in a rough-and-tumble fight, while spittoons and other missiles were thrown by their admiring friends !

It is also but fair to the Representatives to state that there have been some episodes in the Upper House that were by no means pardonable. The indignities to which Charles Sumner was subjected are matters of history ; the student of Congressional affairs will readily think of other instances. But stormy scenes in the Senate are nowadays matters chiefly of tradition.

While I have heard many eloquent and stirring debates in the Senate, downright violations of propriety were few in number. The Senators were very courteous in their remarks to one another. They sought to avoid anything in their own deportment likely to create disorder, and they also would not tolerate any acts of outsiders calculated to compromise the decorum and dignity of the body. I have seen the galleries cleared and a

the people ejected, simply because some of the audience had applauded too boisterously the remarks of a Senator. The pages regarded themselves as privileged characters, yet there was a bound to the indulgence of the Senate which even their genius could not with safety transcend.

There was one great influence that prevented the Senators from engaging in frenzied tumults—their reverential regard for the traditions of the body—traditions which have been handed down to them with their historic Bible, their ivory gavel, and the venerable old clock which stands, a veteran of the past, at the portals of the Senate. There are many unwritten rules of senatorial etiquette, the observance of which tends to preserve the peculiar exclusiveness of that body; and those rules were guarded by the Senators with great care. Of late years there have been occasional invasions of this exclusiveness, yet not to any appreciable extent. The barriers of secret sessions still remain, and “senatorial courtesy” has still its many worshippers.

The privileges conferred by the Constitution upon both Houses of Congress were designed to secure their independence as separate bodies, in the management of the business committed to them respectively, and to ensure their joint efficiency as one of the three great departments of the Government.

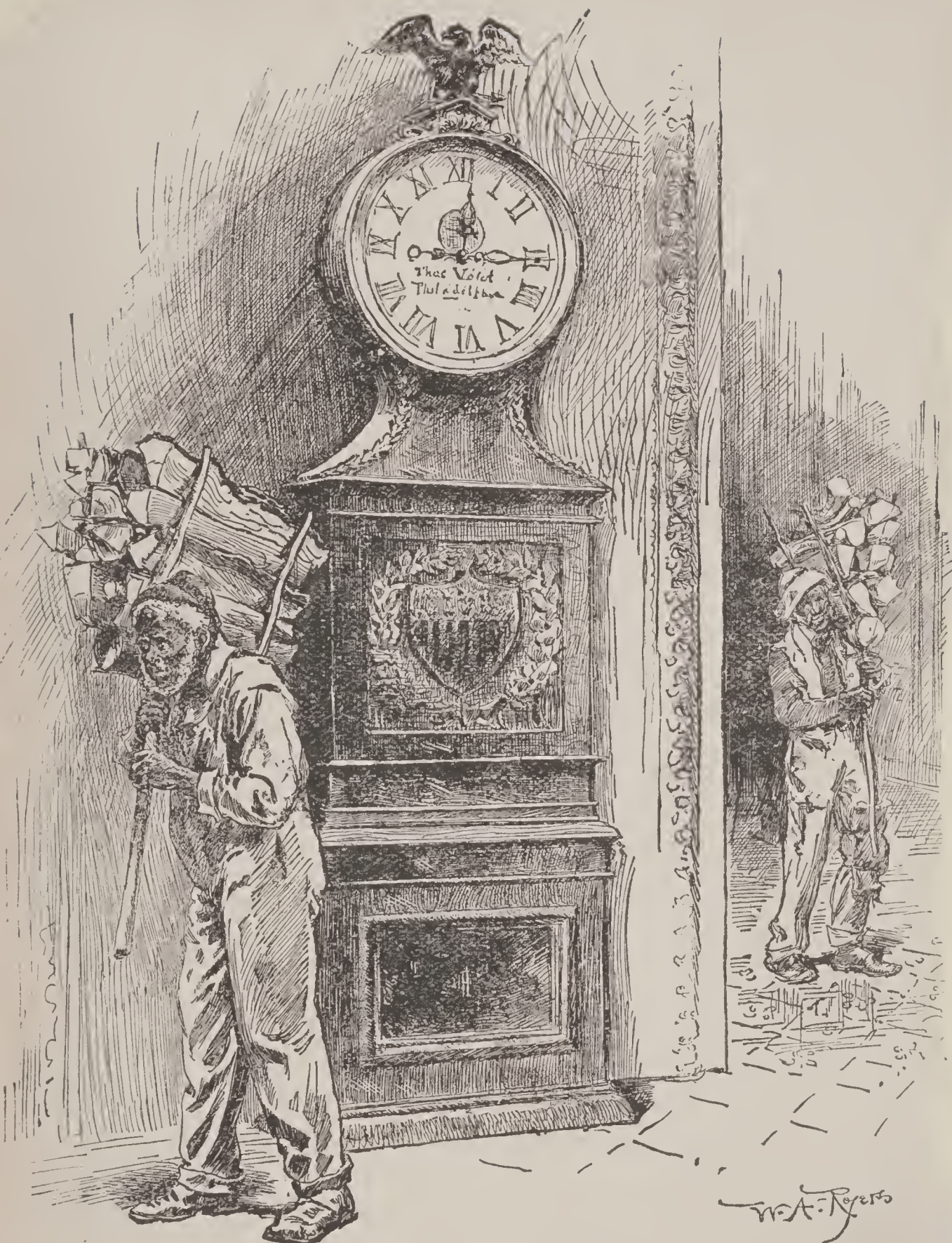
The House of Representatives is given the exclusive right to choose its Speaker and other officers; the Senate is given the exclusive right to choose its officers and a President *pro tempore*, to act in the absence of the Vice-President, who is, *ex officio*,* its presiding officer. To decide upon the elections, returns, and qualifications of its members; to make rules for its own governance; to compel the attendance of absent members; and to preserve decorum even to the extremity of expulsion of a member,—these are all privileges and powers belonging to each House to be exercised without interference on the part of

* “By virtue of his office.”

the other. So also is the duty to keep a journal of its proceedings, which carries with it the right to regulate and correct it at any time if deemed erroneous. The Senate performs this duty thoroughly ; it keeps four journals—one for its legislative proceedings, another for its executive proceedings, a third for confidential legislative proceedings, and a fourth for its proceedings when sitting as a Court of Impeachment.

Another important privilege, enjoyed by Senators and Representatives alike, is one indispensable to the usefulness of Congress as a whole,—the provision that “ in all cases, except treason, felony, and breach of the peace,” they shall “ be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same ; ” and that, “ for any speech or debate in either House, they shall not be questioned in any other place.” This exemption from arrest is designed to protect them from legal proceedings, which might be intentionally instituted by malicious persons for the purpose of preventing them from performing their duties as law-makers. A civil suit which does not restrain the personal liberty of a Congressman—as an ordinary action to recover money due by him—is not in conflict with this constitutional provision.

To further secure the impartial and faithful performance of their duties, there is, in this connection, a disqualifying provision of great consequence : “ No person holding any office under the United States, shall be a member of either House during his continuance in office,” and “ No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been encreased during such time.” The members of the Constitutional Convention must have had in view some future “ salary-grabbers ” who might be inclined, at



The Old Clock in the Corridor, near the Entrance to the Senate.

the close of their terms, to establish a number of sinecure positions and afterward have themselves appointed to fill them.

The power of impeachment is vested exclusively in the House—the power to try impeachments is given exclusively to the Senate, a body eminently fitted, by reason of its judicial cast of mind, to be entrusted with that grave and solemn power. Another provision is, that “All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose or concur with amendments as on other bills.” The Representatives being more closely identified with the people, the reason for this distinction is obvious ; it is the recognition of the old Revolutionary war-cry : “Taxation and representation are inseparable.”

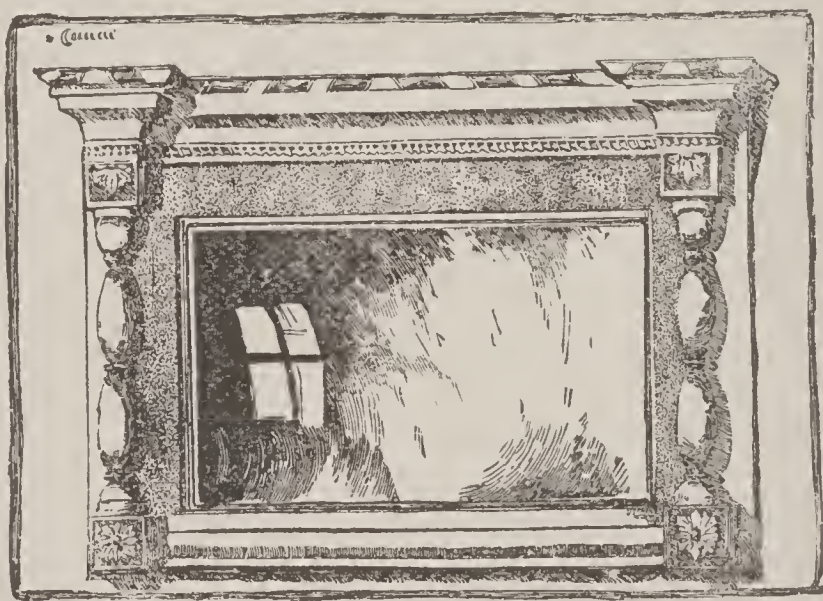
Apart from the constitutional privileges of each House, there have grown up a number of courtesies which, by length of time, have come to be regarded with about the same sanctity and reverence as constitutional rights ; and any act of hostility is quickly resented by the House at which the blow is aimed. If the Senate desires the return of a bill or of any other paper which has gone out of its possession and to the House, it makes a polite “request” that such bill or paper be returned. So also is it a courtesy that the manner in which one body disburses its own “contingent fund” shall not be criticized by the other, although the members of the body interested may do so as much as they desire. In the Vice-President’s room is an article which silently testifies to this fact—a little mirror whose purchase, long ago, was denounced by the Senators as an act of the most wanton extravagance !

The same sentiment protects the officers and employés of each body from molestation by the other. Were the House to attempt in a General Appropriation Bill to reduce the compensation of Senate-clerks without making a corresponding provision in regard to its own force, the Senate would be very

likely to bury the appropriation bill out of sight, rather than acquiesce in such a measure.

The Senate respects these courtesies more than the House. But the polite manner in which it makes a request is no more peculiar than the polite frigidity with which it acts when its polite requests are treated with indifference.

The House of Representatives has, within the past few years, raised a loud cry over various alleged attempts on the part of the Senators to molest it in the exercise of its constitutional



The Old Mirror in the Vice-President's Room.

prerogatives. It has claimed that the Senate, by ratifying commercial treaties with foreign powers, by the terms of which articles of import from foreign lands are permitted to enter this country free of duty, has interfered with the general tariff laws made by Congress and thereby infringed upon the right of the House in regard to revenue measures. And the House goes further than that. It contends that not only has the Senate no power to make treaties which practically amount to revenue legislation, but that it has no right to originate appropriation bills. In other words, the House declares that the phrase "all bills for raising revenue" is equivalent to the expression used in the

British Parliament, "money-bills," and that it includes *appropriation* bills for the *disbursement* of revenue when raised, as well as *tax bills* for the *raising* of revenue. It is scarcely proper for me to argue either of these questions. I advert to them because the wrangle may hereafter assume large proportions, and any controversy which involves a constitutional principle is entitled to, and should receive, most careful consideration.

In some of its conflicts with the Senate the House has assumed a rather dictatorial attitude. In this it has made a mistake. The Senate is courteous; it is not unreasonable; it is generally willing to make concessions to the Lower House when good reasons are shown and its own rights are not in jeopardy: but it cannot be coerced.*

In the first session of the last Congress† the Senators inserted a provision in an appropriation bill to pay for clerks, or private secretaries, to Senators. The bill went back to the House, and the Representatives resisted the amendment. They declared it was practically increasing the salaries of Senators by making the Public Treasury pay for clerical assistance which Representatives were compelled to pay for out of their own pockets. They were more than vexed—they were enraged. But the composure of the Senators was not disturbed. They said that they were worth to their country the compensation they received, and that they ought not to be obliged to defray out of their salaries expenses of correspondence with their constituents; and that if the Representatives were afraid, or did not care, to vote private secretaries for themselves it was no reason why they (the Senators) should remain without them. The Senate was inflexible. Conferences were held; day after day

* "This," said Daniel Webster, "is a Senate, a Senate of equals, of men of individual honor and personal character, and of absolute independence. We know no masters, we acknowledge no dictators. This is a hall for mutual consultation and discussion, not an arena for the exhibition of champions."

† 1884.

was spent in endeavoring to make the Senators submit ; the Representatives said that they would adhere to their position ; the Senators softly replied that they fully intended to do the same, and, if necessary, would sit through the hot months of summer and make the House succumb or wilt ! It was very amusing. Both bodies had transacted nearly all their business for the session ; this one point of controversy—private secretaries—was practically the only thing that kept them at the Capitol. The majority of the House were anxious to adjourn ; some of them wanted to go to a political convention at Chicago, others wanted to go home. But the Senators filled their cloak-rooms with iced-tea and lemonade, and brought out their palm-leaf fans, and provokingly said that they were happy where they were ! The House yielded ; and, notwithstanding annual contests over this same question, the Senators have had their private secretaries ever since.

At the following session,* the House held back some of its large appropriation bills until within a few days of the expiration of the Congress, and then, at the last moment, heaped them upon the Senate in one huge pile. This was not courteous ; neither was it right. In the short time left, the Senators were unable to give that careful consideration to the bills which the public interests required, and they were justly indignant.

But I think they avenged the slight. The day on which that Congress adjourned was that of the last inauguration. The Representatives were naturally eager to witness the proceedings in the Senate, for it was the first inauguration of a Democratic President since the days of Buchanan ; but the Senate gave itself no trouble about accommodating them with seats. Then the Representatives felt aggrieved, and it was actually suggested that, as a matter of self-respect, the House should

not attend the inaugural ceremonies at all ! It would have been a novel mode of retaliation.

During my term of service the want of harmony between the Senate and House was in many ways impressed upon me. The feeling of superiority which was manifested by the Upper House and the spirit of envy that possessed the Lower were communicated to the officers and employés, causing an atmosphere of rivalry to pervade the entire Capitol. The pages of the House were not permitted to enter the Senate-chamber, while the pages of the Senate were wont to roam at will throughout the building. Our rivals, having stood this discrimination for some time, finally obtained the adoption of some sort of order excluding us from the Hall unless they were permitted to have access to the Chamber. But this order, for one reason or another, failed to have the desired effect. We continued to invade the Hall just as boldly as if the order had not been made, and the Senators seemed to regard our triumph as if it were a vindication of the majesty of the Senate itself. The lightest trifles show the direction of the wind.

It is easy to understand that the opposite characteristics of the two Houses should have had a tendency, from the very first, to cause collision. That conflicts of opinion will occur is to be expected ; acts of usurpation are inexcusable. And while it is the duty of each body to guard from encroachment and assault its own prerogatives and independence, a petty jealousy or peevishness that seeks opportunity to humiliate the companion in authority is unworthy either House.

CHAPTER XXXIII.

CONSTITUTIONAL LIMITATIONS.

Our observations in regard to the two branches of Congress may be extended to other parts of our political system.

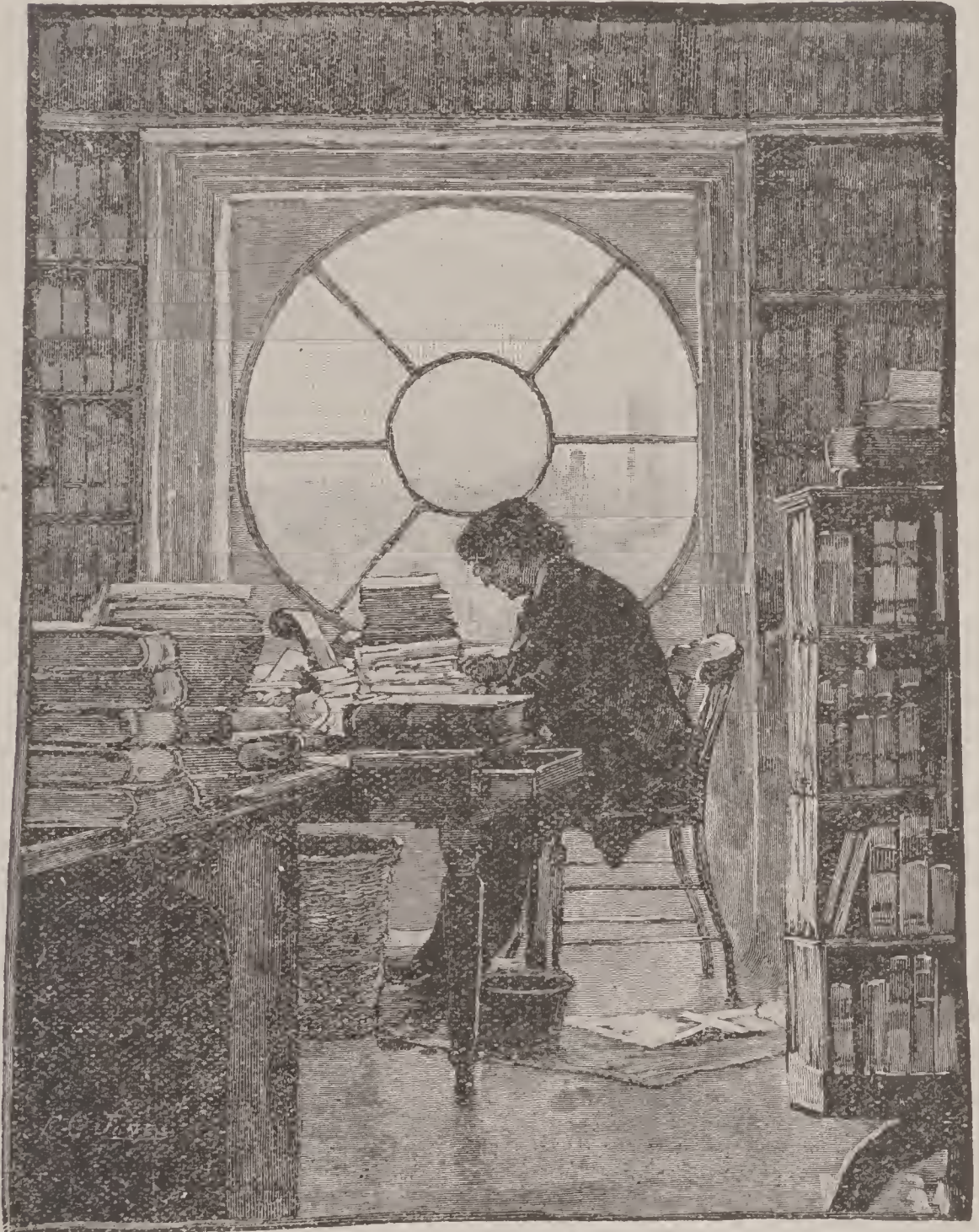
As the House of Representatives has its peculiar functions and duties, in the performance of which it should not be molested by the Senate ; as the Senate has its separate province of action into which the House of Representatives cannot intrude, so with the three branches of the General Government.

To the Congress, to the Executive, and to the Judiciary, certain trusts have been confided ; these trusts, and the powers of each department necessary to their execution, are defined in the Constitution ; and no department can offer any excuse for transcending its constitutional authority and intermeddling with the jurisdiction and prerogatives of the associate branches of the Government.

“ The object of the Constitution,” says the Supreme Court,* “ was to establish three great departments of government ; the legislative, the executive, and the judicial departments. The first was to pass laws, the second to approve and execute them, and the third to expound and enforce them.” In this sense, the three departments are equals ; hence they are styled “ the *co-ordinate* departments of government.” And as a department,

* Case of *Martin, Heir at law and devisee of Fairfax, v. Hunter's Lessee*, reported in 1 Wheaton Reports, p. 304.

like a person, cannot be the equal of another if in the power of that other, each of the three departments must be supreme in



In the Senate Library.

its own sphere of action ; hence they are referred to as “ independent.” That this independence was contemplated by the

Constitution is evident from certain provisions. The law-making power being the supreme power of Government, is, in its very nature, the most formidable; and to remove the Executive and the Judiciary from improper influence on the part of Congress, the Constitution commands that they shall, at stated times, receive for their services a compensation which, in the case of the President, "shall neither be increased nor diminished during the period for which he shall have been elected," and, in the case of the Judges, "shall not be diminished during their continuance in office." And to defend themselves in case of attack, the Constitution has given to the Executive the great weapon of a "qualified negative,"* and to the Judiciary a yet mightier weapon—the absolute and unconditional authority to set aside as void any acts of Congress not warranted by the Constitution. These powers have been frequently exercised; you will recall a few instances. You will remember how President Grant resisted an assault upon his prerogatives by refusing to comply with an impertinent demand made by the House of Representatives; and how he protected the dignity of his office by vetoing the Senate's measure to reduce the Presidential compensation.† You will remember how the Supreme Court set aside as unconstitutional a measure passed by the

* That is, a "veto power" not absolute, but which may be overcome by a two-thirds vote of each House of Congress.

† And if familiar with the events of the current year (1886), you will remember how, at the last session, President Cleveland declined to submit to what he considered an improper "request for papers," made by the Senate; and how he threw his vetoes, in rapid succession, at both Houses, because of legislative measures objectionable to him—more vetoes, in one year, than were thrown by all of his predecessors during ninety-six years! The Senate, by a formal resolution adopted by a close vote and after a long debate, maintained the "propriety" of its request; the vetoes were denounced by members of each House; the President was not seemingly disturbed by the resolution or the denunciation.

House of Representatives, under a somewhat despotic infringement of the rights of the minority, and afterward concurred in by the Senate and the President; and how that same tribunal declared illegal the act of the House of Representatives in imprisoning a private citizen, and rebuked it for arrogating to itself powers which the Constitution committed exclusively to the courts.*

The same theory of "checks and balances" may be discerned in the relations between the Federal Government and the States. The authority of the Federal Government extends over the entire national domain, and is supreme in affairs of national concern; its powers are defined by the Federal Constitution, and with the exercise of those powers no State can interfere. The Federal Government, however, can exercise no power not conferred upon it by the Federal Constitution; it is expressly prohibited from exercising certain powers, and the Ninth and Tenth Amendments declare: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," and, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."†

* While the Supreme Court absolved from personal responsibility the Representatives sued by Mr. Kilbourn, it uttered this vigorous warning for the benefit of the House and Senate: "If we could suppose the members of those bodies so far to forget their high functions and the noble instrument under which they act as to imitate the Long Parliament in the execution of the Chief Magistrate of the nation, or to follow the example of the French Assembly in assuming the function of a court for capital punishment, we are not prepared to say that such an utter perversion of their powers to a criminal purpose would be screened from punishment by the constitutional provision for freedom of debate."

† The powers of Congress are specified in various sections of the Constitution, as are certain express duties and prohibitions. But see, in par-

If we follow these "reserved powers" into the States, we shall find that like limitations have been there established. The States are so many republics within a Republic. Each State has a written constitution and a government of its own—a constitution made by the people of the State, a government in which all the people of the State are represented. Its government, like that of the Union, is divided into three distinct departments; and the law-makers, the law-executors, and the law-interpreters, constituting those departments and chosen by the people, must perform their duties in accordance with the provisions and requirements of the constitution of the State and subject to its prohibitions and limitations—and subject also to the prohibitions and limitations of the Constitution of the United States.*

It is in this distinct separation, this careful distribution and adjustment of the powers of government delegated by the people to their agents, Federal and State, with explicit provisions for the preservation of civil liberty and equal rights, that we behold the beautiful harmony in our vast political system, and the iron-clad and impregnable security of the people from acts of tyranny and oppression. The constitution of every State puts in check the departments of State government; the Federal Constitution restrains the departments of the Federal

ticular, Art. I., Secs. VIII. and IX. For express prohibitions in regard to the States, see, in particular, Art. I., Sec. X. ; and for other provisions, involving great principles of civil liberty, religious freedom, etc., and applicable to the Federal Government and the States, see the Amendments.

* A provision of the Federal Constitution (Art. VI., cl. 2), before cited, deserves repetition here : " This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

Government from interference with the rights of States, and restrains the States from interference with the affairs of the nation and the sacred rights of citizenship. In other words, as the constitution of a State is like a sun, about which, as planets, and in definite orbits, the three departments of State government revolve; so the Constitution of the United States is like the central Sun of the Universe itself, about which revolve not only the three great planets of the Federal Government, but all the suns and lesser planets of the States as well.

Without losing sight of these general considerations, let us examine, briefly, the position of Congress in relation to the other branches of the Federal Government and in relation to the States.

The law-making power is, as we thoroughly understand, a transcendent power; and to Congress, in addition to this power, are committed functions of exceptional dignity and consequence.

In the first place, the Executive and Judicial divisions of the Government depended upon the law-makers for the means to do their work. The Constitution declared that there should be a President and a Supreme Court; but it named no persons to occupy those offices. Accordingly, the Old Congress of the Confederation provided for the election of a President in obedience to the provision of the Constitution. Then the Old Congress went out of existence, and the First Congress under the Constitution convened. There was an empty chair for the President; there was an unoccupied bench for the Justices. That chair could not have been filled until Congress had counted the electoral votes; that bench could not have been touched by magisterial robes until Congress had passed the Judiciary Act and said of how many Justices the Supreme Court should consist, and until the President had nominated those Justices, and the Senate had duly confirmed the nominations.

What next ? The President could have done nothing without assistants ; the Supreme Court could not have attended to all the litigation of the country coming within the jurisdiction of Federal power, nor could it have enforced its mandates without officers. What, then, did Congress do ? It created an Army and a Navy ; it established executive departments and furnished them with officers and employés, from a secretary to a janitor ; it created inferior courts, and supplied them with necessary assistants, from a marshal to a hangman. And it did something more : it said what these executive departments and courts and officers should do, what those officers and employés should be paid, and how the money to pay them should be raised.

Those are some of the things which Congress actually did ; let us, in the language of the Supreme Court, “ suppose ” what it *might* do. It might, by withholding adequate supplies and assistance, utterly cripple the two other departments ; indeed, it might practically sweep them out of existence. It might abolish every executive department and every office connected with it—except the President. It might abolish every court and every office connected with it—except the Supreme Court. “ Suppose ” Congress were to do it. The Executive would still be “ co-ordinate ” and “ independent ” ; but it would consist of only one man—the President. The Judiciary would still be “ co-ordinate ” and “ independent ; ” but it would consist of only nine men—the Supreme Court. And Congress might do more ; it might impeach and remove from office the President and the Justices of the Supreme Court. Where then would be the two “ co-ordinate ” and “ independent ” branches of the Government ?

And so in its relation to the States. It cannot, to be sure, exceed the powers granted to it by the Constitution ; yet what is the exact extent of that power ? This question has been

asked from the very beginning of the Government ; at every session of Congress it is involved in measures offered for consideration ; at every term of the Supreme Court it is presented in one way or another ; it has not yet been fully answered. This may seem like a contradiction of what I have said in the first part of this chapter ; but it is a fact.*

Certainly, Congress cannot exercise any of the powers reserved to the States or to the people. It clearly has no right to prohibit the sale of oleomargarine in the States ; that is a matter which belongs to the reserved power of the States. And yet it might effect the same end by different means—it might tax that commodity out of existence ! †

Congress cannot, of course, directly impair the integrity of a State. It cannot deprive a State of its equal suffrage in the Senate, without the consent of the State ; it cannot divide a State into two, or merge two States into one, “ without the consent of the legislatures of the States concerned ; ” it cannot change the republican form of government of a State—on the

* The case of *M' Culloch v. the State of Maryland et al.*, decided in 1819, and reported in 4 Wheaton, 416, involved the power of Congress to create the “ Bank of the United States,” and also involved the right of a State to impose a tax upon the operations of the bank. The Supreme Court sustained the power of Congress, and denied the right of the State as unconstitutional ; and said : “ This government is acknowledged by all to be one of enumerated powers. The principle, that it can exercise only the power granted to it, . . . is now universally admitted. But the question respecting the extent of the powers actually granted, is perpetually arising, and will probably continue to arise, as long as our system shall exist.”

† An attempt to do this was made at the last session of Congress, but the proposed tax was materially reduced, by amending the measure, before the bill passed both Houses. Whether such a law as was at first proposed, manifestly intended to crush the product from the market of the country, would stand before judicial criticism, was strenuously questioned ; it was contended that the power to tax was given to Congress for the purposes of revenue—not for vengeance.

contrary, the Constitution commands that "the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence." Yet it might indirectly impair the power of a State: it might form, out of the public territory, any number of new States, and thus, by increasing the numbers of the Senate, of the House of Representatives, and of the Electoral College, seriously reduce the influence in national affairs of older States of the Union. If such a "supposed" measure were carried to extremes that power could be substantially destroyed.

The provisions of the Constitution unquestionably vest in Congress the highest attributes of national sovereignty. It can create States;* it can declare war and plunge a continent into misery; it can *coin* money; it can do more—it can *borrow* money. And under its so-called "implied powers," according to the Supreme Court, it can do even more than that—by virtue of its sovereign authority, it can, out of mere waste and worthless paper, actually *make* money.†

The Constitution, after enumerating certain powers, provides that Congress shall have power "to make all laws which shall

* It has exercised this power repeatedly; it exercised it during my term, by the creation of the State of Colorado, admitted into the Union on the 1st day of August, 1876.

† The decisions of the Supreme Court upon this question were rendered in what are known as the *Legal Tender Cases*. The first decision, rendered a few years after the close of the War, was adverse to the alleged power of Congress; but so many millions of dollars were at stake, that a rehearing of the question was had, and, by the help of an act of Congress increasing the membership of the Supreme Court and of the newly appointed Justices, a reversal of the adverse decision was secured. Another "legal tender" decision, also favorable to the power of Congress, was rendered a few years ago.

be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or office thereof." A statement of what it is possible for Congress to do, under this broad provision and under the doctrine of "implied powers," involves a careful reading of the Constitution, in the light of congressional history and judicial decisions.

For one great fact must not be overlooked. The Federal Judiciary is the sole judge of the Federal Constitution.* Suppose, then, Congress should pass some measure of grave consequence to private interests (as a measure taxing to death the oleomargarine industry), and that the interests affected should appeal to the courts to declare the measure unconstitutional. Suppose, further, that the law-makers should fear that the Supreme Court, if an opportunity should be presented, would hold the measure to be void, would it not be within the power of Congress, when enacting the other measure, to cut off the jurisdiction of the Supreme Court so that no case involving the question should reach that tribunal? And might it not also intimidate the inferior tribunals—the district and circuit courts—by a threat to legislate them out of existence should they decide against the measure?

Assume another case—one to which a State should be a party, and which, therefore, under the terms of the Constitution, would have to be brought before the Supreme Court. Suppose Congress should pass a measure far-reaching in its purpose and fraught with peril to a State. The State would appeal to the Federal Supreme Court to declare the measure unconstitutional.

* This is under Art. III., Sec. II, which says: "The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;" etc.

Congress could not cut off the jurisdiction of the Supreme Court, because the original and exclusive jurisdiction of that court in such a matter was conferred by the Constitution. But would it not be within the power of the law-makers to intimidate the Supreme Court by a threat to increase the membership—a threat which, if carried into execution, might enable Congress to secure a reversal of an unfavorable decision ? *

Of course, there is no danger that Congress will ever go to the extremes supposed. It has frequently reduced Federal expenses and abolished Federal offices. It is constantly “worrying the wits” of the executive, and impeding administrative duties, by its investigating committees and “requests for information.” It has occasionally allowed the fiscal year to roll by without making necessary appropriations for the public service, and temporary inconvenience has resulted. It did, at one time, demolish, at one fell stroke, all the circuit courts, because officered by judges not of its way of thinking. It did, at another time, secure a favorable decision from the Supreme Court by an act increasing the membership of the court, and by “unofficially” suggesting to the President the sort of men he should nominate to fill the vacant seats upon that Bench. Its proceedings over the recent oleomargarine bill, and its past record on matters connected with the formation of new States, show what it is capable of doing in other directions.

But it would be a hazardous thing for the law-makers to experiment with their power. It was not discretionary with Congress to equip the other departments of Government ; it was its duty to do it—its discretion lay in the *manner* in which they

* Students acquainted with the English Constitution understand how, by a similar threat (to increase the membership of the House of Lords by the creation of new peers), the House of Commons occasionally intimidates the House of Lords into submission to its measures ; and they also understand how that threat has been actually executed.

should be equipped. It is not within the discretion or pleasure of Congress to refuse to make proper provision for the other departments of Government—its discretion relates to the determination of the manner in which that provision shall be made. Neither is it within its discretion to despoil the power of a State, or to do other wanton acts subversive of our institutions and our liberties. There is such a thing as neglect of duty ; there is also such a thing as abuse of power ; and there is such a thing as downright usurpation. And such things public opinion will not tolerate.

All these “suppositions” are presented as suggestions—a few of many that might be advanced—to set you thinking about matters upon which our statesmen and jurists have had in the past to act, and with which in the future you may be called upon to deal. An able writer, who has made a careful study of the history and methods of Congress, asserts : * “The balances of the Constitution are for the most part only ideal. For all practical purposes the National Government is supreme over the State governments, and Congress predominant over its so-called co-ordinate branches. Whereas Congress at first overshadowed neither President nor Federal Judiciary, it now on occasion rules both with easy mastery and with a high hand.”

Whether any of this power of Congress has been acquired by gradual encroachment, or whether it is in accord with the spirit of the Constitution ; whether the authority of Congress should be further increased, or whether its powers should be curtailed by constitutional amendment, are serious questions to all Americans alive to the interests of the Republic. It is no doubt true that the framers of the Constitution intended that instrument to receive a “reasonable interpretation,” and therefore did not express, specifically, powers which naturally would

* Congressional Government, by Woodrow Wilson.

be implied as incident to those which are enumerated. It is none the less a fact that we have in some things departed from the intentions of our forefathers—departures not recorded in written additions to the Constitution, but silently effected through “political methods” and “judicial constructions.”* The Electoral College of to-day is by no means what it was designed to be; if you wish to find the secret influence which has wrought the change, you must seek it elsewhere than in the Twelfth Amendment.

And so with other features of our Government. The inquisitive citizen who wishes to understand the nature of that Government will do well to read the Constitution and its Amendments—and then turn his attention to Congress.

“As the House of Commons is the central object of examination in every study of the English Constitution, so should

* In the case of *Martin v. Hunter's Lessee* (1 Wheaton, 304), decided in 1816, Justice Story, delivering the opinion of the Supreme Court, said: “The Constitution, unavoidably, deals in general language. It did not suit the purpose of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers, or to declare the means by which those powers should be carried into execution. It was foreseen that this would be a perilous and difficult, if not an impracticable, task. The instrument was not intended merely to provide for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter; and restrictions and specifications, which at the present might seem salutary, might, in the end, prove the overthrow of the system itself. Hence its powers are expressed in general terms, leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mould and model the exercise of its powers, as its own wisdom and the public interests should require.” These views were reiterated by Chief Justice Marshall, in the great case of *M'Culloch v. The State of Maryland, et al.*; and the *Legal Tender Decisions* sustain this position.

Congress be in every study of our own. Anyone who is unfamiliar with what Congress actually does and how it does it, with all its duties and all its occupations, with all its devices of management and resources of power, is very far from a knowledge of the constitutional system under which we live; and to everyone who knows these things that knowledge is very near."

CHAPTER XXXIV.

REFLECTIONS.

There are countless things in regard to our Government that I must leave untouched. I have told you of the great principles underlying the system, but into all the intricate details I cannot go. Within the necessary limits of this volume I have not been able to do full justice to the law-makers ; much less have I been able to treat of all the departments of Government, the various lights and shades of national affairs, the myriad ramifications of the Law throughout the mighty structure of Society. Such an undertaking would have been indeed stupendous.

During my four years of service in the Senate I witnessed the two Houses of Congress in the exercise of the various powers conferred upon them by the Constitution ; and I started out upon my narrative with a vague intention to conduct you carefully over the ground I traversed as a page. But, naturally enough, having once begun, I have asked you to stroll about with me in all directions. Thus I have wandered idly along, with much of the ground still unexplored ; and yet, in my zig-zag ramblings, I have called your attention to a variety of incidents and objects that came within our range of observation.

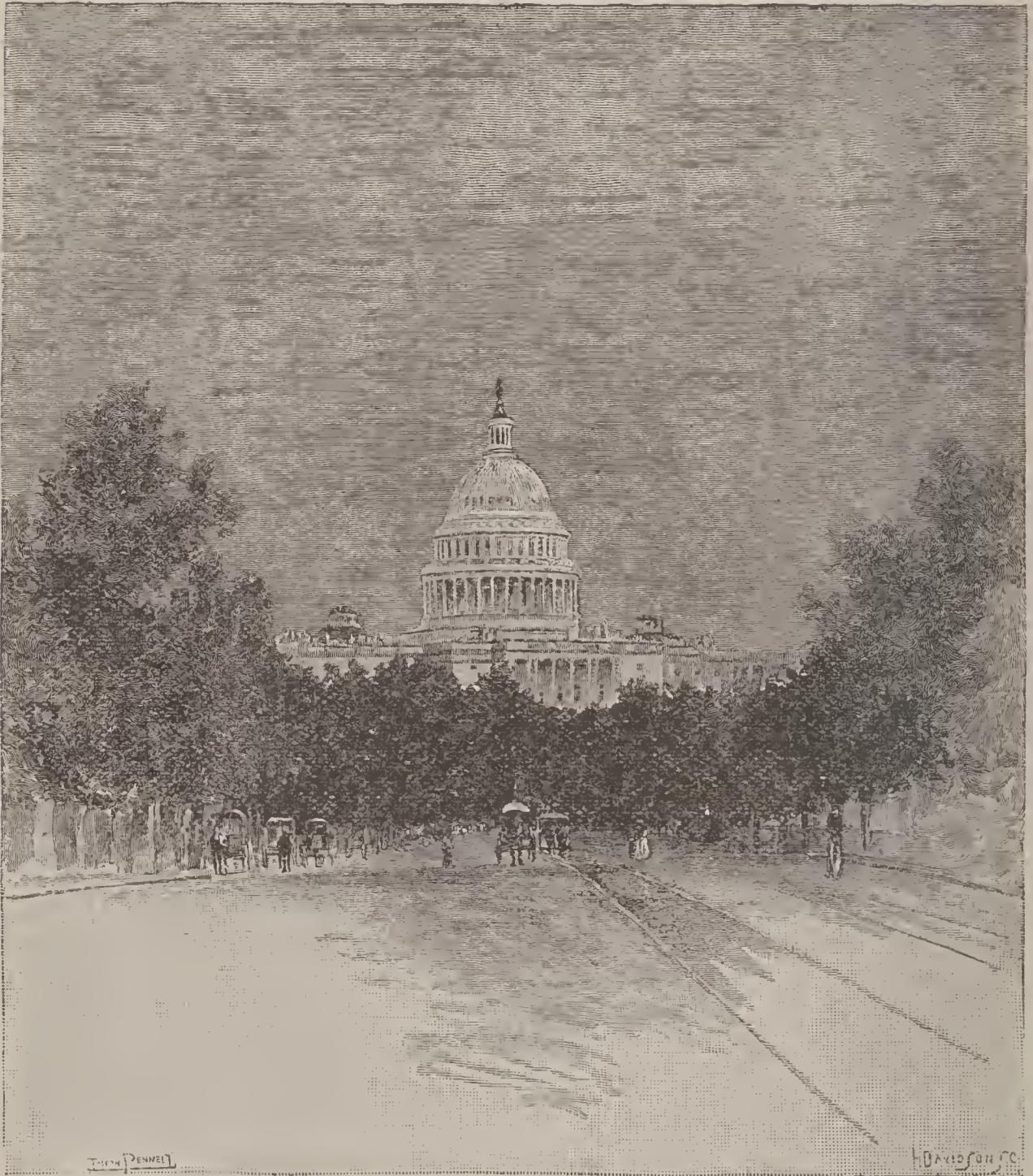
I have taken you upon the dome of the Capitol, exhibited to you its mazy rooms and corridors, and led you down into the very caverns of the earth. You have heard, in imagination, the Halls of Congress echoing with the sounds of mirth,

and you have seen them draped in black and hushed in the stillness of death. You have beheld laws made, a President inaugurated, statesmen and pages at their work and play. If, in my description of congressional scenes, I have in any place spoken in too light a vein, ascribe it to the fact that for the moment I regained the audacity of my youth ; if I have anywhere been dry and uninteresting, charge it to the seriousness of maturer years.

If you should be in Washington at any time during the sessions of Congress, do not neglect to visit the Capitol. Listen to the deliberations of the Federal law-makers. You may hear debates, you may witness scenes, some grave and some amusing—but do not form the erroneous impression that the moving panorama before your eyes is the acting either of a tragedy or of a farce. Remember, always, that the exercise of power is one thing—that the power itself is something else. Although occasionally enlivened by incidents of humor and hilarity, the proceedings of Congress, as a whole, are serious, involving matters of the greatest moment to us all. It may be that there are those among its members who are unfit to discharge the duties of their station, and that the country would be better off without them ; yet let us trust that nearly all recognize their responsibilities, and seek to protect and promote our national interests and welfare. As one of the three departments of the Government, the Congress of the United States is entitled to profound regard ; as an institution representing the majesty and guarding the liberties of the American people, it should be revered.

During the past summer I visited Washington and took a glimpse about me. How great had been the changes of ten swift years ! The city itself, as if by magic, had been transformed into the fairest of the land. Rubbishy buildings had disappeared, and on their sites had risen palaces and dwellings

worthy to be the abodes of princes and of kings. The muddy thoroughfares were no more ; in their stead were miles of glis-



The Capitol, from Pennsylvania Avenue. (West Front.)

tening concrete, over which the carriages rolled without a jostle and young folks glided joyously upon their bicycles and skates.

Even the grand and venerable trees that had surrounded the Capitol, and in the shade of whose branches I had so often roamed, had fallen beneath the axe of the landscape artist. But here was a change that, in my opinion, was not an improvement.

I entered the Capitol, and noted everywhere the ruthless hand of Time. I went to the Upper House and looked in. All the officers were strange. No! Two forms I recognized. There they sat, on either side of the presiding officer, in the very same chairs, I suppose, about which I had so often frolicked. May they both live many years to grace that Chamber with their presence!

Then I scanned the Senate for the old law-makers. But how few were there! Of the many Senators whom I had met during portions of three Congresses, but fourteen could be found; of the seventy-four members belonging to that body when I first entered it as a page, only six remained to answer to the roll.

But there was another blow reserved for my feelings. The pages seemed a different order of beings. I met one of them and spoke to him with the air of a father. Had any visitor spoken to me in such parental fashion when a page, I would have withered him by a look. Yet this small fellow stood it, and in a mild and gentlemanly manner gave me all the information I requested. His statement was a revelation. Times had indeed changed.

Sadly I walked to the House of Representatives. I entered the gallery and gazed about me. I was among strangers. I knew that several of the old Representatives were still members, but it was difficult to discern their faces in the turbulent crowd that thronged the floor. "Where," I mused, "are the legislators of the Forty-second, the Forty-third, the Forty-fourth Congresses?" I answered my own query. Some of them had

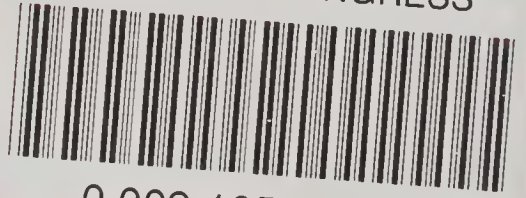
been transferred to other spheres of public usefulness ; others had withdrawn from the turmoil of business and retired to private life ; many had gone to their eternal rest.

I remained in the Capitol for a short time to watch the proceedings of each House. The great work of legislation was going merrily along. The House was just as nonchalant and noisy ; the Senate as industrious and efficient as in my time. My mind went back to that Monday in December, 1872, when I made my first appearance in legislative halls. I fancied that I heard a voice exclaim, " The Senate will come to order ! " and that I was again a careless, happy boy. But it was only fancy. My reverie was broken by a touch. The visions of the past faded from my sight, and the stern reality of the present rose up before me. And yet, as I came away from the noble edifice and the scenes of my early joys and trials, the same mysterious voice was ringing in my ears :

" Administrations terminate and Congresses expire as the years pass by, but the Nation lives and grows and prospers, to be served in the future by those equally faithful to its interests and equally proud of its growing influence among the nations of the earth ! "

THE END.

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